

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda item 7

CX/FL 24/48/7-Add.1

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**ORIGINAL LANGUAGE ONLY**

## 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 (STEP 7)

#### Comments in reply to CL 2024/55-FL

*Comments by Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, Egypt, European Union, Indonesia, Japan, New Zealand, Paraguay, Peru, Saudi Arabia, Thailand, United Kingdom, Uruguay, USA and BEUC, European Federation of Allergy and Airways Diseases Patients' Associations, Food Industry Asia, FoodDrinkEurope, Guatemala, ICBA, ICGA, ICGMA, IDF/FIL, IFT, International Confectionery Association, International Special Dietary Food Industries,*

#### Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2024/55-FL issued in August 2024. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific sections.

#### Explanatory notes on the Annex

2. The comments submitted through the OCS are hereby attached as **Annex I** and are presented in table format.

## Annex I

## GENERAL COMMENTS

COMMENT	MEMBER / OBSERVER
<p>Argentina desea señalar que el texto traducido del idioma inglés al idioma español, incluyen algunos términos que se sugiere revisar. Se solicita a la coordinación del grupo de trabajo tener a bien considerar este aspecto, para una correcta redacción y evitar interpretaciones inadecuadas.</p> <p>En particular, se sugiere reemplazar en la versión en español el término “será” por el término “estará” (ítems 7.5, 7.6 7.8 y 7.9).</p> <p>No hay objeciones a la adición del término "audible" en la sección 7.10 Respecto a la sección 7.12, no se presenta ninguna objeción dado que garantizar que la información alimentaria se proporcione sin costos adicionales es esencial para garantizar el derecho del consumidor a una elección informada.</p> <p>Se entiende que el texto estaría listo para avanzar al trámite 8.</p>	<b>Argentina</b>
Australia would like to thank the EWG Chairs Canada, India and New Zealand for the progress made on the draft guidelines. Subject to CCFL48 consideration of outstanding matters Australia supports advancing the draft guidelines to Step 8.	<b>Australia</b>
<p>Brazil would like to thank Canada, India, and New Zealand for chairing the electronic working group on the Guidelines on the Use of Technology to Provide Food Information.</p> <p>Brazil supports the inclusion of 'audible' in section 7.10, recognizing that technology is a valuable alternative for enabling individuals with visual impairments to access food information. In this regard, we would like to suggest replacing 'or audible' with 'and audible, when audio is available,' to clarify that if audio is used, it must be audible.</p> <p>Brazil agrees with section 7.12, as it guarantees that food information delivered via technology will be accessible to consumers without cost, aligning with the requirements of section 5.4 of the Guidelines on the Provision of Food Information for Pre-packaged Foods Offered Via E-commerce. However, we suggest deleting the word 'additional' for consistency.</p> <p>Brazil supports the revised language in section 7.3, as it clarifies and ensures that mandatory information provided exclusively via technology will be appropriately accessible and presented to the consumer.</p> <p>Brazil also supports the revised section 7.5, as it clarifies the length of time that mandatory food information must remain available.</p> <p>Brazil endorses replacing "should" with "shall" to maintain consistency with the terminology used in the GSLPF.</p> <p>Finally, Brazil believes the remaining outstanding issues can be resolved during the CCFL48 plenary and is confident that the proposed guidelines will be ready for advancement to Step 8.</p>	<b>Brazil</b>
Canada thanks the Chair and Co-Chairs for the EWG report and revised draft guidelines. We agree that the guidelines are ready to advance to step 8, with some minor edits suggested below.	<b>Canada</b>
<p>Chile agradece la invitación a trabajar en este trabajo.</p> <p>SOLICITUD DE OBSERVACIONES</p> <p>2. Se invita a los miembros del Codex y observadores a presentar sus observaciones sobre lo siguiente:</p> <p>i) Las directrices (Apéndice II del documento CX/FL 24/48/8) y, en concreto, presentar observaciones sobre:</p>	<b>Chile</b>

a) la adición de [audible] en la Sección 7.10, y

Respuesta:

1. Apoyo a la inclusión de la información audible (Sección 7.10):

Chile respalda la inclusión de la palabra "audible" en la Sección 7.10 del documento. Esto refleja un compromiso con la accesibilidad de la información alimentaria para consumidores con discapacidad visual, promoviendo el uso de tecnología que permita la accesibilidad universal. Sin embargo, Chile sugiere que la redacción se modifique a "y/o audible" para permitir que la información sea tanto legible como audible, ampliando así las opciones tecnológicas de etiquetado para diferentes consumidores y contextos.

b) la nueva disposición sobre costes en la Sección 7.12 para armonizarla con el trabajo sobre el comercio electrónico.

Respuesta:

Chile considera que la garantía de acceso a la información alimentaria sin costo adicional es un avance significativo hacia un mercado más justo y equitativo, que respeta los derechos de los consumidores y promueve la transparencia en la información alimentaria. Por consiguiente, apoyamos la inclusión del punto 7.12.

Uno de los principios fundamentales del Codex es garantizar que los consumidores tengan acceso a información clara y precisa sobre los productos alimentarios sin restricciones que puedan afectar su derecho a tomar decisiones informadas. Al mencionar específicamente que la información alimentaria proporcionada mediante tecnología no debe tener un costo adicional, se asegura que todos los consumidores, independientemente de su capacidad económica, puedan acceder a la información sin barreras. Esto es especialmente relevante en un mundo donde el acceso a la información digital es cada vez más común y la brecha digital puede generar desigualdades.

Por otro lado, el hecho de que los consumidores ya hayan pagado por el producto debería incluir implícitamente el derecho a obtener toda la información relevante sobre el mismo sin costos adicionales. Cobrar por el acceso a esta información tecnológica o digital puede ser visto como una doble carga, lo que resultaría en una práctica comercial poco equitativa. La inclusión del término "sin costo adicional" protege a los consumidores de posibles prácticas abusivas que podrían emerger en plataformas digitales, donde se les podría cobrar extra por obtener información esencial, como ingredientes, valores nutricionales, entre otros.

ii) Si el texto está listo para avanzar al trámite 8.

Respuesta:

Chile considera que las Directrices sobre la utilización de la tecnología para proporcionar información alimentaria en el etiquetado de los alimentos (Apéndice II) están listas para avanzar a trámite 8. Sin embargo, sugerimos realizar previamente ajustes en los siguientes puntos del texto:

1) Consistencia en la Terminología.

Existe un uso inconsistente de "proporcionado exclusivamente", "proporcionado únicamente" y "únicamente proporcionado" en los puntos 5.3, 7.3 y 7.5. Sugerimos usar "proporcionado exclusivamente" en todos los casos, con el objeto de mantener una terminología uniforme para evitar confusiones en la interpretación de las directrices.

2) Claridad en el Concepto de Identificación

En el punto 7.3, el uso del término "agrupada" hace que se pierda el sentido de la frase. Proponemos que se elimine y se utilice solamente "fácilmente identificable y distinguible". Esta modificación es fundamental, ya que garantiza que los requisitos de etiquetado sean entendidos en el contexto de la diversidad normativa que existe entre diferentes países y continentes. Al enfatizar

<p>que la información debe ser fácilmente identificable y distinguible, se asegura que todos los consumidores, independientemente de su ubicación, puedan comprender y acceder a la información esencial sobre los productos alimentarios.</p> <p>3) Consolidación y Simplificación de la Información:</p> <p>Chile sugiere que el texto de la Sección 7.5 se consolide y simplifique. La redacción actual, que abarca múltiples condiciones y detalles, puede resultar confusa y difícil de aplicar. Proponemos una versión más clara:</p> <p>“7.5 “Cuando la información alimentaria obligatoria se proporcione únicamente mediante tecnología, dicha información deberá estar disponible hasta la “fecha de caducidad” o la “fecha de vencimiento” en el caso de los alimentos con marca de fecha. En el caso de los alimentos sin marca de fecha, deberá estar disponible hasta el momento en que el producto siga siendo seguro y apto para la venta, el consumo o el uso”.</p> <p>[al menos durante el período, establecido en las condiciones previstas de distribución, almacenamiento, venta minorista y uso, en que el alimento se mantendrá inocuo y apto para la venta, el consumo o el uso. En el caso de los alimentos preenvasados que estén etiquetados con una fecha de caducidad o de consumo preferente, esto significa al menos durante el período hasta dicha fecha inclusive.</p>	
<p>Colombia está de acuerdo dado que esta adición puede favorecer la inclusión de población con alguna discapacidad o dificultad para la lectura de dicha información.</p> <p>Colombia está de acuerdo con la armonización de los dos trabajos. Sin embargo, consideramos que es más claro indicar que el consumidor no debe generar ningún pago para acceder a la información a que se hace referencia.</p> <p>Por lo cual se sugiere el siguiente cambio sustancial:</p> <p>7.12 Cuando la información alimentaria se facilite utilizando tecnología, se hará sin que el consumidor genere ningún pago para acceder a ella.</p> <p>Esta misma observación se presentó en su momento para el punto 5.4 del anteproyecto de directrices sobre el suministro de información alimentaria para alimentos preenvasados ofrecidos a través del comercio electrónico.</p> <p>[ 5.4 La información sobre los alimentos preenvasados puestos a la venta en el comercio electrónico se proporcionará al consumidor, sin generar ningún pago para acceder a ella]</p> <p>Colombia está de acuerdo con el avance al trámite 8.</p>	<b>Colombia</b>
<p>Costa Rica apoya el avance del documento.</p> <p>Respecto a la adición del término [audible] en la sección 7.10., Costa Rica considera que, si bien se busca mejorar la accesibilidad, su implementación representa un desafío y debe evaluarse cuidadosamente para asegurar que no introduzca barreras adicionales o problemas en la experiencia del consumidor. Por lo anterior, en aras de avanzar el trabajo, sería preferible omitir el término.</p> <p>Por otro lado, respecto a la disposición sobre costes en la Sección 7.12, se propone eliminar la palabra “adicional” porque puede generar confusión y malinterpretaciones. La información alimentaria debe ser completamente gratuita para los consumidores, por lo que al eliminar “adicional”, se deja claro que no debe haber ningún cargo por el acceso a esta información. Es importante tener en consideración que la redacción de este principio debe ser congruente con la redacción del mismo principio en el proyecto de directrices sobre información suministrada en el comercio electrónico.</p>	<b>Costa Rica</b>
<p>El país está de acuerdo con la adición del término “audible” en el párrafo correspondiente, considerando la inclusividad de los consumidores.</p>	<b>Ecuador</b>

El país considera que el documento está listo para avanzar a trámite 8; sin embargo, se apoyaría la mejor decisión en la plenaria de la CCFL48.	
EFA strongly invites the Chairs to consider the following comments before advancing to Step 8.	<b>European Federation of Allergy and Airways Diseases Patients' Associations</b>
<p>7.10 – FIA is of the view that information should be provided in written form, with the optional addition of presenting the information in an audible manner. The audible presentation of information should not act as a replacement for information provided in written form and hence FIA does not support the addition of [or audible]. We note that there is nothing in the proposed draft that would prevent audio presentation in addition to written presentation of food information. Given that audio presentation is not a requirement, we do not believe it is necessary to suggest the manner in which it is provided.</p> <p>7.12 – FIA would strongly suggest the exclusion of 7.12. FIA views that it is unprecedented for a Codex text to address 'cost'. Legal counsel should be sought to assess the implications of integrating 'cost' into the context of food item sales. The inclusion of 'cost' within Codex standards raises questions about potential legal ramifications, both regionally and globally, from a trade perspective. It is imperative to carefully consider any foreseen or unforeseen consequences that may arise from such an inclusion. We maintain that the concept of 'cost' extends beyond the scope of the Codex mandate and aligns more closely with the World Trade Organisation's technical barriers to trade (TBT) provision 5.2.5, which addresses "equitable" fees generally related to conformity assessments.</p>	<b>Food Industry Asia</b>
<p>consider whether the <i>Guidelines on the Use of Technology to Provide Food Information in Food Labelling</i> (Appendix II) is ready to advance to Step 8.</p> <p>FIA would like to implore our below comments are addressed prior to advancement to Step 8. In turn, we are of the view that at present the Guidelines on the Use of Technology to Provide Food Information in Food Labelling are not ready to proceed to Step 8.</p>	<b>Food Industry Asia</b>
<p>Our comments on point 5.2 (information on health and safety), 7.3 (grouping of mandatory information) and 7.7 (indication the source of on-line information) are key to be addressed before we see the guidelines move to step 8.</p> <p>We have minor points elsewhere as indicated below and we like to note that there is inconsistent use of 'provided exclusively', 'provided solely' and 'solely provided' in points 5.3, 7.3 and 7.5. We suggest using 'provided exclusively' in all these cases.</p>	<b>FoodDrinkEurope</b>
Guatemala apoya el avance del documento si se modifica la sección 7.12	<b>Guatemala</b>
<p>ICBA General Comments</p> <p>7.10 ICBA supports the addition of "audible" in section 7.10.</p> <p>7.12 Similar to our position on the e-Commerce Guidelines, ICBA respectfully requests removing the proposed section 7.12 as the term "costs" could have legal ramifications and considerations that must be solicited first.</p> <p>The issue of "cost" exists in the draft guidelines for e-Commerce (under Principle 5.4) and technology (under Principle 7.12), and ICBA supports these statements need to be consistent if they continue to be included and there is clarity on how "costs" should be defined. However, we continue to note that the issue of cost in these 2 texts is ambiguous and does not belong in Codex text per se, and we would point out there is no precedent for such inclusion. This concern was raised in the e-Commerce second Consultation and is referred to in CX/FL 24/48/6 on page 3 about obvious indirect costs to consumers when trying to access the information on the e-page of the prepackaged food, such as Wi-Fi, mobile data costs and the cost of a device.</p>	<b>ICBA</b>

<p>Although the WTO technical barriers to trade (TBT) provision 5.2.5. speaks to “equitable” fees generally relative to conformity assessments, we believe Codex should solicit legal counsel on the question of “cost” relative to sale of food items before such term is integrated into Codex text. Does its inclusion in any way have any foreseen or unforeseen legal ramifications regionally or broadly from a trade perspective?</p> <p>7.5 ICBA also recommends consolidating and simplifying the text contained in section 7.5 to:</p> <p>Where mandatory food information is solely provided using technology, the food information shall be available until the “best before date” or “expiration date” for foods with date marking. For foods without date marking, it shall be available up until the time when the product will remain safe and suitable for sale, consumption or use.</p> <p>Once section 7.12 is removed from the Guidelines and the language on 7.5 is clarified, we consider the document ready to advance to Step 8 for adoption.</p>	
<p>ICGA would like to thank Canada, India and New Zealand for the time invested in animating the intersessional electronic working group which led to this result. ICGA contributed to its first circular.</p> <p>ICGA also appreciates the opportunity to provide the following comments in response to this circular letter.</p> <p>ICGA supports the general objectives of these guidelines to help providing mandatory information about food/chewing gum products through advanced informed technologies other than directly printed labels on packaging.</p> <p>ICGA is looking forward to the final discussions on the document at the CCFL48 meeting.</p>	<b>ICGA</b>
<p>Once the below issues are addressed and resolved, we believe this text would then be ready to advance to Step 8 for adoption.</p> <p>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.</p> <p>ICGMA members could support the addition of audible in section 7.10. For further clarity we suggest the following amendments:</p> <p>Food information described or presented using technology shall be clear, prominent and readily accessible (for example, clearly legible or audible) to the consumer under normal settings and conditions of use of the technological platform.</p> <p>7.12 Where food information is provided using technology, it shall be provided without any additional costs for the consumer.</p> <p>The issue of “cost” exists in both draft guidelines for e-Commerce (under section 5.4) and technology (under section 7.12). We continue to note that the issue of cost in these 2 texts is ambiguous and nebulous and does not belong in Codex text per se and would point out there is no precedent for such inclusion. Decision and resolution on this must be consistent in both documents.</p> <p>This concern was raised in the e-Commerce second Consultation and is referred to in CX/FL 24/48/6 on page 3 about obvious indirect costs to consumers when trying to access the information on the e-page of the prepackaged food, such as Wi-Fi, mobile data costs and the cost of a device.</p> <p>Although the WTO technical barriers to trade (TBT) provision 5.2.5. speaks to “equitable” fees generally relative to conformity assessments, we believe Codex should solicit legal counsel on the question of “cost” relative to sale of food items before such a term is integrated into Codex text. We question if its inclusion in any way has any foreseen or unforeseen legal ramifications regionally or broadly from a trade perspective.</p> <p>Based on the above comments, we request removal of section 7.12.</p> <p>In addition to the above specific questions, we want to provide input on section 7.3, 7.5, and 7.7</p>	<b>ICGMA</b>

IFT appreciates the opportunity to comment on the application of new technology regarding food labeling & communication.	<b>IFT</b>
<ul style="list-style-type: none"> <li>Indonesia supports including reference to the information being audible as well as legible. Indonesia proposes the wording of section 7.10 as follows: 7.10 Food information described or presented using technology shall be clear, prominent, and readily legible, with or without its audible version to the consumer under normal settings and conditions of use of the technological platform. Indonesia considers that the food information should be mandatorily legible in any case. The audible version may be added in case of the use of technology in food labeling and does not replace the food information in legible form. Suppose it is allowed that the food information is solely presented in audible form/version, the consumer may have more obstacles to get the information, e.g. noisy situations, and dialect differences.</li> <li>Indonesia supports the wording of Section 7.12 and agrees to open the square brackets. Indonesia considers that the Guidelines on the Use of Technology to Provide Food Information in Food Labelling (Appendix II) is ready to advance to Step 8.</li> </ul>	<b>Indonesia</b>
ICA comments on the draft text and these specific areas are included in the text on the following page.	<b>International Confectionery Association</b>
<p>ISDI does not support the inclusion of "or audible" in section 7.10.</p> <p>Including "or audible" would allow for written presentation of food information to be replaced by audio presentation, which is not acceptable as a full replacement to written presentation.</p> <p>We note that there is nothing in the proposed draft that would prevent audio presentation in addition to written presentation of food information, but audio presentation is not a requirement.</p> <p>Given that audio presentation is not a requirement, we do not believe it is necessary to regulate how it may be presented.</p> <p>ISDI believes that the text is not ready for advancement to Step 8. The changes introduced at this stage can be interpreted differently by different members, causing confusion. These need to be clarified before advancement to step 8.</p>	<b>International Special Dietary Food Industries</b>
<p>New Zealand thanks Canada for providing an updated Guidelines on the Use of Technology to provide Food Information in Food Labelling. New Zealand wishes to provide the following comments in response to CL2024/55-FL. Regarding the specific area's comments are sought on:</p> <p>The addition of [audible] in section 7.10</p> <p>New Zealand does not support the inclusion of 'or audible' in Section 7.10. Given audible information is not subject to a codex text about prepackaged food, we consider this is outside the scope of this Guideline.</p> <p>New Zealand can see the intent of this addition. However, we consider stating 'legible or audible' could allow for the written presentation of food information to be replaced with audio. We consider audio information should only be provided in addition to written food information, not instead of. There is nothing in the proposed draft guidelines that would prevent the audio presentation of information in addition to written presentation. As audible information is not subject to a codex text, we do not consider it necessary to include information on this aspect in this Guideline.</p> <p>The new provision on costs in section 7.12 to align with the work on e-commerce.</p>	<b>New Zealand</b>

<p>New Zealand can support the addition of this provision provided it only applies to cases where mandatory food information is provided solely using technology.</p> <p>In the e-commerce setting all food information is only available to consumers online at the point of purchase, whereas in this instance consumers would have access to the information free of charge on the label, unless this is provided solely using technology. There could be some instances where food information is provided using technology alongside other paid services such as a subscription to recipes. This scenario should still be permitted if mandatory food information can still be freely accessed on the label or labelling.</p> <p>Therefore, New Zealand suggests the following edits to Section 7.12:</p> <p>7.12 Where mandatory food information is provided solely using technology, it shall be provided without any additional costs for the consumer.</p> <p>Whether the text is ready for advancement to Step 8:</p> <p>New Zealand can support the advancement of the text to Step 8 provided the comments outlined in this response are addressed.</p> <p>New Zealand looks forward to discussing the Guidelines on the Use of Technology to Provide Food Information in Food Labelling at the upcoming 48th Session of the Codex Committee on Food Labelling.</p>	
Consideramos oportuno el avance del documento al trámite 8	<b>Paraguay</b>
<p>La comisión ha considerado las siguientes respuestas:</p> <p>i) Sobre las directrices (Apéndice II del documento CX/FL 24/48/8) y, en concreto, presentar observaciones sobre:</p> <p>a) la adición de [audible] en la Sección 7.10, y</p> <p>La Comisión está conforme con dicha adición</p> <p>b) la nueva disposición sobre costes en la Sección 7.12 para armonizarla con el trabajo sobre el comercio electrónico</p> <p>La Comisión está conforme con la nueva disposición</p> <p>ii) Si el texto está listo para avanzar al trámite 8.</p> <p>La Comisión considera que el documento debe ser más claro en los numerales</p> <p>6.1 ¿es mandatorio este requisito o de aplicación voluntaria?,</p> <p>7.5 sugerimos poner un ejemplo para un mayor entendimiento, y</p> <p>7.6 ¿A qué se refieren con la identificación del individuo?</p> <p>Luego de explicar a aclarar estos puntos, la Comisión considera que estaría lista para avanzar al trámite 8.</p>	<b>Peru</b>
<p>Saudi Arabia supports the review of the addition of [audible] in Section 7.10 and the inclusion of the new provision on costs in Section 7.12. We believe that these revisions should align with the ongoing work related to e-commerce, reflecting the growing importance of digital platforms in food trade and consumer transactions.</p> <p>Saudi Arabia does not support the advancement of these guidelines to Step 8 due to the following concerns:</p> <ul style="list-style-type: none"> <li>Section 5.2:</li> </ul> <p>Saudi Arabia requests clarification and examples regarding the term "food information concerning health and safety" to ensure a thorough understanding by the FOB. Additionally, we seek clarification on which specific instances of missing mandatory labeling</p>	<b>Saudi Arabia</b>



could pose a potential risk to consumer health. Identifying these instances is crucial, and we encourage their inclusion in the current draft. Furthermore, if "food information concerning health and safety" is defined in any other Codex texts, we suggest incorporating that definition to enhance clarity and comprehensiveness in this draft. Understanding these critical aspects is essential for ensuring robust protection and informed decision-making regarding food products.

- Section 7.3:

Saudi Arabia does not support the proposed revisions to Section 7.3. While the amendments aim to enhance the accessibility and clarity of mandatory food information, we have reservations about certain aspects, particularly the requirement for mandatory information to be provided solely using technology. This approach may inadvertently exclude consumers who do not have access to or are not proficient in using technology, leading to potential disparities in access to essential information. Additionally, further clarification is needed regarding the practical implementation of these provisions (how to implement? and when to implement?) to avoid potential challenges and ensure effective compliance.

Taking into consideration what was stated above, we suggest the following amendment:

"Where mandatory food information is provided using technology in adherence to section 5, the reference on the label shall link directly to this information, and the mandatory information shall be readily identifiable, grouped together, and easily distinguishable from other information".

- Additional Considerations for the Revised Draft Guideline:

- o Food and nutritional information should be available both on physical labels and digitally, recognizing that not all consumers possess smart devices or a thorough grasp of technology. Moreover, it can be difficult for consumers to compare products and make well-informed food selections. Additionally, differences in how food and nutritional information is presented digitally may result in consumer confusion.

- o We request additional clarification regarding the appropriate circumstances for utilizing technology to furnish food information in food labeling.

- o When the barcode (or any other means added to the labeling) on the food packaging is unclear or cannot be utilized to access information via technology, there must be measures in place to ensure the protection of consumer rights.

- o The information provided through technology should remain unaltered by manufacturers or cyber-attacks to protect consumers, while maintaining strict control over product integrity.

Saudi Arabia strongly believes that these points must be addressed before the guideline is advanced. Specific requirements should be included within the standard to address these critical concerns and ensure the effective and equitable use of technology in food labeling.

Thailand does not object to the advancement of this draft to Step 8.

**Thailand**

Firstly, the United Kingdom would like to thank Canada, India and New Zealand for the preparation of this discussion paper and all of their work in the EWG. We are in principle content with the inclusion of the word 'audible' in Section 7.10 as it accounts for the multitude of ways in which technology can provide food labelling information, however rather than the phrasing 'legible or legible and audible' to cater for the multitude of possible presentations of technology, we suggest making this wording less specific and more futureproof, for example using wording such as 'easily discernible' to highlight that information must land with the consumer in a way that they understand, including via braille. Furthermore, after further internal discussions within the UK Government regarding Section 7.5, we would ideally prefer the removal of the word 'solely' in this clause since we do not believe that mandatory food information should be

**United Kingdom**

<p>provided 'solely' using technology. For example, should a failure occur in the presentation of technological information via the technological platform, then mandatory food information would be lost, and potentially food cannot be legitimately sold without making provisions for mandatory food labelling being physically on the pack. We appreciate the efforts to align this text with the draft guidelines of The Provision of Food Information for Pre-packaged Foods Offered via E-Commerce, and therefore support the inclusion of 7.12 regarding costs to the consumer. Furthermore, we understand the reasons behind the removal of 'and that there is similar consumer understanding of the technology' in Section 5.1 (c), however in line with our previous comments throughout the EWG consultations, the United Kingdom believes it is extremely important that the futuristic conditions in which this use of technology in labelling could function are detailed in the guidelines, including the need for a broad societal understanding and adoption of the technology in question, in order to ensure digital equity before the use of technology in food labelling information</p>	
<p>7.10 se está de acuerdo con dejar el agregado entre corchetes de audible, se sugiere agregar "y audible cuando sea posible"</p> <p>7.12 se considera que se debe retirar la palabra "adicional", no debe tener ningún tipo de costo para el consumidor</p> <p>Se considera que puede pasar a trámite 8.</p>	<b>Uruguay</b>
<p>Pending consensus on the updated sections 7.10 and 7.12 and any other topics that arise at plenary, the United States has no further comments on the Guidelines at this time and would recommend advancement to Step 8.</p>	<b>USA</b>

## SPECIFIC COMMENTS

COMMENT	MEMBER / OBSERVER
<b><u>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</u></b>	
<p><b><u>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</u></b></p> <p>EFA does not agree with the proposed revision in the section title. We think that it continues giving the wrong signal, as the wording (choice of instead) implies that there shall be cases where required information may be provided only via technology.</p> <p>As EFA has stressed on multiple occasions in the past, technology can be an excellent tool complementary to physical labelling, but should in no way substitute on-pack information.</p> <p>In addition, information provided via technology must be consistent with the on-pack information, especially regarding health and safety aspects such as allergens.</p> <p>Finally, the title as it stands now persists in excluding information that is voluntary, such as precautionary allergen labelling (PAL), which should also be readily available to the consumer and not offered solely via technological means.</p> <p>We encourage the Chairs to revise the text, one option being to take a broader scope:</p> <p>'Considerations on the mandatory information to be provided to consumers using technology'</p>	European Federation of Allergy and Airways Diseases Patients' Associations
<p><b><u>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</u></b></p> <p>ISDI recognizes that this change was proposed in the 2nd consultation in Feb 2024, however we would like to comment here that this change seems unnecessarily complex. A simpler title to the same effect would be:</p> <p>"Considerations for Deciding if Mandatory Food Information Could Instead be Provided to Consumers Using Technology"</p> <p>This has the same effect because "food information" is a defined term and the term "mandatory" is already used in the heading to section 4 of the GSLPF: "Mandatory Labelling of Prepackaged Foods"</p>	International Special Dietary Food Industries
<p><b><u>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</u></b></p> <p>FIA would like to seek clarity on the definitions of "mandatory" versus 'required'.</p> <p>Although FIA recognises that this change was proposed in the 2nd consultation in Feb 2024, we would like to comment here that this change seems unnecessarily complex. A simpler title to the same effect would be as follows:</p> <p>"Considerations for Deciding if Mandatory Food Information Could Instead be Provided to Consumers Using Technology"</p> <p>This wording would also be more consistent with existing text because "food information" is a defined term and the term "mandatory" is already used in the heading to section 4 of the GSLPF: "Mandatory Labelling of Prepackaged Foods"</p>	Food Industry Asia
<p><b><u>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</u></b></p>	BEUC

<p>From the consumer perspective no mandatory food information should ever be provided exclusively via digital tools. Online information provision is not an acceptable or inclusive method of food information provision to the consumer. Digital tools such as QR codes are only appropriate for complementary information such as, for example, recipe suggestions or history of the brand, while mandatory information such as ingredients or nutritional information (which is mandatory on all food products in the EU with the exception of alcoholic beverages) must remain on the package. Consumer make their food purchasing decisions in a matter of seconds. In a time-pressured environment such as the supermarket, food information for consumers needs to be on the label where consumers can actually use it easily.</p> <p>The European Commission's Joint Research Centre in its literature review on digital labels (2022) and its recent behavioural study on QR codes (2023) has concluded respectively that 'providing food information only through digital means seems risky because it may permit access only to consumers who use mobile devices and are also motivated to scan QR codes or open weblinks, while restricting access from others' and that 'providing food information via QR codes rather than on paper labels has a negative impact on consumers'.</p> <p>If mandatory food labelling has been deleted here then the word 'required' should also logically be deleted</p>	
<p>Heading of Section 5: On further reflection, we consider that the heading for Section 5 could be simplified. It is our preference that this heading refer to 'food information' as this is a defined term used throughout the guidelines. Several principles also refer to 'mandatory food information provided solely using technology'. Therefore, we suggest the following for the heading of Section 5:</p> <p>"Considerations for Deciding if Mandatory Food Information Could be Provided Solely Using Technology"</p> <p>We consider this is clearer than 'Considerations for deciding if information required on a prepackaged food's label or labelling could instead be provided to consumers using technology'.</p>	<b>New Zealand</b>
<p><b>CONSIDERATIONS FOR DECIDING IF <u>MANDATORY FOOD MANDATORY FOOD — LABELLING INFORMATION INFORMATION REQUIRED ON A PREPACKAGED FOOD'S LABEL OR LABELLING</u> COULD INSTEAD BE PROVIDED TO CONSUMERS USING TECHNOLOGY</b></p> <p>For clarity and to simplify we propose a change to the title of section 5. This links to 'food information' as defined in the draft text.</p> <p>CONSIDERATIONS FOR DECIDING IF MANDATORY FOOD INFORMATION COULD INSTEAD BE PROVIDED TO CONSUMERS USING TECHNOLOGY</p> <p>This has the same effect because "food information" is a defined term and the term "mandatory" is consistent with section 4 of the GSLPF: "Mandatory Labelling of Prepackaged Foods"</p>	<b>Australia</b>
<p>Although we recognise that this change was proposed in the 2nd consultation in Feb 2024, we would like to comment here that this change seems unnecessarily complex.</p> <p>A simpler title to the same effect would be:</p> <p>"Considerations for Deciding if Mandatory Food Information Could Instead be Provided to Consumers Using Technology"</p> <p>This has the same effect because "food information" is a defined term and the term "mandatory" is already used in the heading of section 4 of the GSLPF: "Mandatory Labelling of Prepackaged Foods"</p>	<b>IDF/FIL</b>
<p>Egypt supports the proposed changes are in bold/underline mode that amended to the text.</p>	<b>Egypt</b>
<p><b>Paragraph 5.1 (a)</b></p>	

<p>5.1, b) the general population, <del>or a sub-set of the population for whom the food information is intended</del>including specific sub-sets thereof, should have <del>widespread and</del> <u>widespread</u>, adequate <u>and easy</u> access to the technology in that geographic area or country, and have <u>widely</u> adopted its use, and</p> <p>As already stressed previously, the EUMS are of the opinion that the drafting of section 5.1 b) needs to be further improved. It is indeed of prime importance that specific subsets of the population such as elderly people (i.e. not only specific subsets for whom the food information is intended) have a widespread, adequate and easy access to the technology and widely adapted its use when mandatory food information is not anymore given on the label or labelling of a pre-packaged food but only described or presented using that technology.</p>	<b>European Union</b>
<p>5.1, b) The access to technology of a population (by assessing for example smartphone ownership) is not an adequate measure of the appropriateness of providing information via digital means. Smartphone ownership (which is any case not universal) is not equivalent to having the requisite digital skills or technological ability to access information online. Digital tools will always be more cumbersome for consumers than placing the information directly on the labels and providing mandatory information only accessible online will evidently make it much more difficult for consumers to access such</p> <p>The most recent Eurostat data on European individuals' levels of digital skills (<a href="https://ec.europa.eu/eurostat/cache/metadata/en/isoc_sk_dskl_i21_esmsip2.htm#source_type1726846398244">https://ec.europa.eu/eurostat/cache/metadata/en/isoc_sk_dskl_i21_esmsip2.htm#source_type1726846398244</a>) demonstrates clearly the lack of above basic digital skills for many in the EU. 35.07% of citizens were classed as having low, narrow, limited or no digital skills while a further 11% could not be assessed as they had not even accessed the internet in the past three months.</p> <p>The lack of above basic digital skills in Europe underlines the risks at stake of placing mandatory and important food information exclusively online for consumers.</p>	<b>BEUC</b>
<b>Paragraph 5.1 (c)</b>	
<p>5.1, 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 <del>use</del><u>use and that there is evidence of similar consumer understanding of the food information.</u> <del>and that there is evidence of similar consumer understanding of the technology.</del></p> <p>Furthermore, as already explained in previous contributions, the EUMS are of the opinion that section 5.1 c) needs also to cover the consumer understanding of the information described or presented using technology.</p>	<b>European Union</b>
<p>5.1, c) As highlighted in previous comments, providing mandatory or important information exclusively online can not be considered reasonable from a consumer perspective. Not only will the provision of such information online automatically exclude the significant minority who do not have a smartphone or do not use their smartphone to access the internet, it poses an unreasonable and significant technological and time burden upon consumers (a large number of whom do not possess advanced digital skills) in a time-pressured environment such as the supermarket.</p>	<b>BEUC</b>
5.1, c) FIA would like to express agreement with this deletion.	<b>Food Industry Asia</b>
5.1, c) Egypt supports the deletion accordance with its conflicts or overlaps may be happen or arise.	<b>Egypt</b>
<b>Paragraph 5.2</b>	
<p><b>5.2</b> Given the dual mandate of the Codex Alimentarius relating to food safety (i.e., protection of health of the consumer) and fair practices in food trade (i.e., including food information, so that to avoid misleading the consumer), it may be more appropriate to replace "health and safety" with "safety and essential characteristics of the food" or just refer to "safety". In our view, 'health' is very</p>	<b>ICGA</b>

redundant with 'safety', in the specific context of Codex Alimentarius standards, guidelines and recommended codes of practice, as well as CAC statements.	
<b>5.2</b> As already explained in previous contributions, not only the name of the food and food information concerning health and safety, but also food information necessary for the consumer at the time of sale to be able to make an informed purchasing decision (such as the net content) should always be provided on the label (or labelling) of the food. This is for the EUMS of utmost importance. The EUMS consider that the section needs to be modified accordingly.	<b>European Union</b>
<b>5.2</b> It is unclear what is meant by "food information concerning health and safety". Undoubtedly, safety should be prioritized - we would for example expect it to cover labelling of food allergens. "Health" may be too broad a term in this specific context. IFT recommends removing the term "health", providing a definition for it, or replacing it with narrower terminology (e.g., nutritional information).	<b>IFT</b>
<b>5.2</b> We believe that prioritizing information concerning safety is paramount in this principle. We are concerned that the term "health" is broad and if used, should be defined for the purposes of this work. We ask the Committee to either define the scope of "health" or remove it.	<b>International Confectionery Association</b>
<b>5.2</b> EFA invites the Chair to explicitly cite allergens as well as other categories of health and safety information in this section. 'Name of the food and food information concerning health and safety, including but not limited to ingredients and allergens, should not be provided exclusively using technology.'	<b>European Federation of Allergy and Airways Diseases Patients' Associations</b>
<b>5.2</b> Name of the food and food information concerning health <u>(including nutritional information)</u> and safety should not be provided exclusively using technology.	<b>BEUC</b>
<b>5.2</b> Section 5.2: New Zealand supports the removal of the text 'if its absence could cause harm to the health of consumers'. However, it is unclear which food information concerns health. We consider it would be clearer to just state 'food information concerning safety' which we view to be those labelling elements identifying an acute food safety risk, such as allergen declarations, use-by date and storage directions when required. Therefore, New Zealand suggest the following edit for Section 5.2: Section 5.2: Name of the food and food information concerning health and safety should not be provided exclusively using technology.	<b>New Zealand</b>
<b>5.2</b> <u>The name</u> of the food and food information concerning health and safety should not be provided exclusively using technology. Propose including 'The' at the beginning of 5.2 to more accurately reflect Section 4.1 of the General Standard for the Labelling of Prepackaged Foods (GSLPF) i.e. 'The name of the food'.	<b>Australia</b>
<b>5.2</b> It is not clear what "food information concerning health and safety" covers exactly, as this notion depends on the type of product consumed together with various other considerations including quantity, specific associated risks to a given product, individuals' specific risks when consuming such product, specific situation when it is appropriate to avoid consuming a given product, etc. In addition, some national/regional regulations already covers the necessity to include specific health information directly on-label. For instance in the EU, the Regulation n. 11690/2011 on Food Information to Consumer requires the mandatory labelling of allergens on-label, but do not require additional mandatory information e.g. when it comes to alcoholic beverages (i.e. <1,2% ABV).	<b>FoodDrinkEurope</b>

<p>To request additional information on-label in writing would therefore be counterproductive and would go against the very purpose of allowing economic operators to put additional information about their products using digital technology as a space to provide meaningful and clear information to their consumers.</p> <p>When such requirement is considered important to be on the label of the physical product, then we suggest restricting it to information related to direct and harmful effects. We suggest amending the text of 5.2. as follows:</p> <p>5.2 Name of the food and food information concerning health and safety should not be provided exclusively using technology if absence of such information on the label of the physical product could cause direct harm to the health of consumers.</p>	
<p><b>5.2</b> IDF supports this text and the removal of "if its absence could cause harm to the health of consumers", added in the previous version.</p>	<p><b>IDF/FIL</b></p>
<p><b>6. USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO <del>MANDATORY</del> FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL</b></p>	
<p><b>USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO <del>MANDATORY</del> FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL</b></p> <p>Following previous rounds of consultation, EFA insists that, even though certain information might not be accessible under specific conditions (e.g. exemption), information related to health and safety, such as allergen labelling, must always be available on-pack.</p> <p>Therefore, EFA takes the deletion of the word 'mandatory' as a positive sign, but we encourage to provide with a clear distinction between health and safety information (mandatory or not mandatory, such as PAL) as opposed to other information categories.</p> <p>This could be achieved with the inclusion of a note specifying that 'this provision does not apply in case of information such as the one related to health and safety'.</p>	<p><b>European Federation of Allergy and Airways Diseases Patients' Associations</b></p>
<p><b>USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO <del>MANDATORY</del> FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL</b></p> <p>It is our understanding that the proposed removal of the word "mandatory" from the title of section 6 changes the scope of section 6 and 6.1 and therefore should be consulted further on.</p> <p>ISDI believes that there is no need to remove "mandatory" to align with the title to section 5 as the issue with the title to section 5 was not the word "mandatory" but instead was the use of the term "food labelling information" instead of simply "food information", a defined term.</p> <p>If the word "mandatory" is removed from the title of section 6, then it may be inferred that section 6 now relates to all food information, not simply those forms of food information that are mandatory (i.e. as required by section 4 of GSLPF).</p> <p>Our understanding of section 6 was that it was intended to only cover situations where mandatory food information is not accessible (e.g. in a vending machine, or in emergency situations where there are exemptions).</p> <p>For situations where the food information is not mandatory, there is no need to allow for a special provision of voluntary information through technology if the information is not accessible on the label.</p>	<p><b>International Special Dietary Food Industries</b></p>
<p><b>USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO <del>MANDATORY</del> FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL</b></p> <p>FIA is of the view the word "mandatory" should be retained here.</p>	<p><b>Food Industry Asia</b></p>

<p>If "mandatory" is removed from the title of section 6, section 6 will relate to all food information, not simply to food information that is mandatory (i.e. as required by section 4 of GSLPF).</p> <p>There should not be a requirement to consider provision of voluntary information through technology if the information is not accessible on the label.</p>	
<p><b>USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO <del>MANDATORY</del> MANDATORY FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL</b></p> <p>We question the need for consistency with section 5 given the issue raised related to 'food labelling information' instead of 'food information' as defined and that by removing 'mandatory' this changes the scope of section 6 to include food information that is not mandatory.</p> <p>We understand section 6 was intended to only cover situations where mandatory food information is not accessible (e.g. in a vending machine, or in emergency situations where there are exemptions). For situations where food information is not mandatory, there is no need to provide voluntary information through technology if the information is not accessible on the label. We therefore support retaining 'MANDATORY' in the title.</p>	Australia
<p><b>USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO <del>MANDATORY</del> MANDATORY FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL</b></p> <p>The proposed removal of "mandatory" from the title of section 6 changes the scope of section 6 and 6.1 and therefore should be consulted further on.</p> <p>There is no need to remove "mandatory" to align with the title to section 5 as the issue with the title to section 5 was not the word "mandatory" but instead was the use of the term "food labelling information" instead of simply "food information", a defined term.</p> <p>If "mandatory" is removed from the title of section 6 then section 6 relates now to all food information, not simply those forms of food information that are mandatory (i.e. as required by section 4 of GSLPF).</p> <p>Our understanding of section 6 was that it was intended to only cover situations where mandatory food information is not accessible (e.g. in a vending machine, or in emergency situations where there are exemptions).</p> <p>For situations where the food information is not mandatory, there is no special need to allow for the provision of voluntary information through technology if the information is not accessible on the label.</p>	IDF/FIL
<p><b>USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO <del>MANDATORY</del> MANDATORY FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL</b></p> <p>Egypt supports the proposed deletion to the text.</p>	Egypt
<b>Paragraph 6.1</b>	
<p><b>6.1</b> In cases where food <del>labelling</del> 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.</p> <p>We propose deletion of 'labelling' for consistency with the defined term 'food information'.</p>	Australia
<p><b>6.4</b> Thailand suggests deleting the number "6.1" since this paragraph is the only provision under Section 6.</p>	Thailand
<b>Paragraph 7</b>	



<p>7. Food information that is accessed by consumers using technology via a reference on the prepackaged food's label or labelling <del>shall</del><u>should</u> be based on the following principles, whether the food information is required on a mandatory basis or provided voluntarily:</p> <p>Again, from a consumer perspective and as shown with scientific work of the EU's JRC, placing mandatory information exclusively online has a negative impact on consumers and risks excluding many consumers, given the extra burden it places on them to access information which should already be readily available on the product.</p>	BEUC
<p>7. Food information that is accessed by consumers using technology via a reference on the prepackaged food's label or labelling <del>shall</del><u>should</u> be based on the following principles, whether the food information is required on a mandatory basis or provided voluntarily:</p> <p>FIA would like to express agreement with this change.</p>	Food Industry Asia
<b>Paragraph 7.3</b>	
<p><b>[7.3 Where mandatory f</b><del>Food information is provided solely</del><u>described or presented using technology, the reference on the label or labelling shall link <del>directly</del><u>directly-easily</u> to this information, and the mandatory food information</u><del>, shall be presented in one place, readily identifiable, grouped together, and easily distinguishable separately from other commercial information intended for sale or marketing purposes.]</del></p> <p>While ICGA could generally support the proposed reworded compromise text, it may be appropriate to offer a little more flexibility on the way mandatory information would be linked, especially when it comes to foods in small packages. "Directly" could benefit from being replaced by "easily" -- or simply deleted, to allow the possibility to adapt to some possible unforeseen circumstances to date.</p>	ICGA
<p><b>[7.3 Where mandatory f</b><del>Food information is provided solely</del><u>described or presented using technology, the reference on the label or labelling shall <del>link directly</del><u>link</u> to this information, and the mandatory food information</u><del>, shall be presented in one place, readily identifiable, grouped together, and easily distinguishable separately from other commercial information intended for sale or marketing purposes.]</del></p>	ICGMA
<p><b>[7.3 Where mandatory f</b><del>Food information is provided solely</del><u>described or presented using technology, the reference on the label or labelling shall link <del>directly</del><u>directly</u> to this information, and the mandatory food information</u><del>, shall be presented in one place, readily identifiable, grouped together, and easily distinguishable separately from other commercial information intended for sale or marketing purposes.]</del></p> <p>Section 7.3: We support the proposed revision, which would require mandatory information to be easily identifiable and accessible to consumers when technology is utilized for disclosure purposes. However, to "future-proof" the guidelines and maintain some flexibility for manufacturers, we suggest avoiding the term "directly" within the bracketed text. The use of this term could be limiting for future technologies.</p>	ICGMA
<p><b>[7.3 Where mandatory f</b><del>Food information is provided solely</del><u>described or presented using technology, the reference on the label or labelling shall link <del>directly</del><u>directly</u> to this information, and the mandatory food information</u><del>, shall be presented in one place, readily identifiable, grouped together, and easily distinguishable separately from other commercial information intended for sale or marketing purposes.]</del></p> <p>We support the proposed revision, which would require mandatory information to be easily identifiable and accessible to consumers when technology is utilized for disclosure purposes. However, to "future-proof" the guidelines and maintain some flexibility for</p>	International Confectionery Association

<p>manufacturers, we suggest removing the term “directly” within the bracketed text. The use of this term could be limiting for future technologies.</p>	
<p><b>[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.]</b></p> <p>EFA reiterates that it must not be possible to provide mandatory information solely via technology, as it would potentially lead to risk for the consumers.</p> <p>However, not only mandatory food information must be easily identifiable: information such as Precautionary Allergen Labelling (PAL), despite being voluntary, is vital for patients and shall be easily identifiable and, ideally, separate, given that it is related to health and certainly not commercial in its essence.</p> <p>Overall, in the case of health and safety information such as allergens, the accessibility of allergen information (mandatory and voluntary) must be directly linked to the food product. This is because if someone who buys the food has access to technologies and hands the food over to someone who does not have the same access, the information then is lost.</p>	<p><b>European Federation of Allergy and Airways Diseases Patients' Associations</b></p>
<p><b>[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.]</b></p> <p>ISDI would prefer that the word "clearly" or the phrase "in a clear manner" to be used to allow for further flexibility such as linking to a landing page that has further links to different types of information about the product. The mandatory information would still be "readily identifiable, grouped together, and easily distinguishable" in this scenario.</p> <p>However, ISDI may accept the term "directly" if section 7.3 is, as proposed, limited to "where mandatory food information is provided solely using technology".</p>	<p><b>International Special Dietary Food Industries</b></p>
<p><b>[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 separately from other from commercial commercial information intended for sale or marketing purposes and no user data shall be collected or tracked, intended for sale or marketing purposes.]</b></p> <p>BEUC does not support mandatory food information being provided solely online for the reasons given above in previous comments. In any case, the provision of food information via digital tools should be clearly separated from marketing material. There is clear precedent for this in EU legislation. No. Article 119(5) of the amended CMO Regulation, in relation to wine information provision, provides that the information on the full nutritional declaration and list of ingredients shall not be displayed with other information intended for sales or marketing purposes, and that no user data shall be collected or tracked.</p> <p>Moreover, it is important that any information which is provided via e.g. QR codes is clearly indicated on the label.</p> <p>The European Commission recently (November 2023) clarified the requirements for wine producers providing information via QR codes (below) which makes clear the necessity to at the very least indicate on the label the type of information provided by QR codes.</p>	<p><b>BEUC</b></p>

<p>'Article 13(1) of the FIC Regulation provides that 'mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from, or interrupted by any other written or pictorial matter or any other intervening material.' If there is no clear reference on the label as to the content of the information provided by electronic means, consumers can hardly interpret and understand the nature of the information (compulsory or not) contained in the link. This can be considered as mandatory information being hidden, non-conspicuous and non-easily visible.</p> <p>The presentation of a QR code should therefore be clear for the consumers regarding its content i.e., the compulsory information that is presented by electronic means. Generic terms or symbols (like an 'i') are not sufficient to fulfil the requirements of this provision. Where the information provided by electronic means (identified by e.g. a QR code) is the list of ingredients, a heading, as referred to in Article 18(1) of the FIC Regulation, must be used, in the same way as the current practice used for the paper labels for other food (i.e. containing the word 'ingredients').'</p>	
<p><b>[7.3 Where mandatory food information is provided solely</b> described or presented using technology, <b>the reference on the label or labelling shall link directly to this information, and the mandatory food information,</b> shall be presented in one place, <b>readily identifiable, grouped together, and easily distinguishable</b> separately from other commercial information intended for sale or marketing purposes.]</p> <p>FIA would like to express agreement with the inclusion of this statement with the edits suggested. We would however like to stress that if the reference on the label or labelling shall link directly to the information, the information being referred to is mandatory in nature.</p>	Food Industry Asia
<p><b>[7.3 Where mandatory food information is provided solely</b> described or presented using technology, <b>the reference on the label or labelling shall link directly to this information, and the mandatory food information,</b> shall be presented in one place, <b>readily identifiable, grouped together, and easily distinguishable</b> separately from other commercial information intended for sale or marketing purposes.]</p>	BEUC
<p><b>[7.3 Where mandatory food information is provided solely</b> described or presented using technology, <b>the reference on the label or labelling shall link directly to this information, and the mandatory food information,</b> shall be presented in one place, <b>readily identifiable, grouped together, and easily distinguishable</b> separately from other commercial information intended for sale or marketing purposes.]</p> <p>Section 7.3:</p> <p>New Zealand continues to prefer 'clearly' or 'in a clear manner' over 'directly'. This allows for greater clarity and flexibility in how the information is provided to consumers. For example, this would allow the reference on pack to take you to a product landing page where the consumer then chooses an appropriate link to the specific information they want, such as nutrition information or ingredients, rather than requiring all mandatory information to be on the landing page.</p>	New Zealand
<p><b>[7.3 Where mandatory food information is provided solely</b> described or presented using technology, <b>the reference on the label or labelling shall link directly to this information, and the mandatory food information,</b> shall be presented in one place, <b>readily identifiable, grouped together, and easily distinguishable</b> separately from other commercial information intended for sale or marketing purposes.]</p> <p>De acuerdo con la redacción propuesta</p>	Paraguay
<p><b>[7.3 Where mandatory food information is provided solely</b> described or presented using technology, <b>the reference on the label or labelling shall link directly to this information, and the mandatory food information,</b> shall be presented in one place,</p>	FoodDrinkEurope

<p><b><u>readily identifiable, grouped together, and easily distinguishable</u></b> separately from other commercial information intended for sale or marketing purposes.}]</p> <p>The sentence "grouped together, and easily distinguishable" is contradictory and doesn't make sense if we consider that the use of digital technology to provide information to consumers must be provided in the most direct and clear way to consumers.</p> <p>The current wording prohibits information providers to include non-mandatory information on the same subject at the same place. Create a distinction by providing two different types of information (optional and mandatory) could only lead to confusion for consumers and would create new layers of difficulty, with less facility for consumers to access the information in a clear and direct manner.</p> <p>We would suggest using the example of EU digital labelling requirements under article 119(4) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products, as follows: "[mandatory information] shall not be displayed with other information intended for sales or marketing purposes". This should be deemed sufficient to ensure consumers get access to readable and relevant information via digital technology, without creating unwanted confusion for them.</p> <p>Furthermore, we envisage that, over time, a single link on the physical pack may be used to connect to multiple data (e.g. mandatory consumer information on the product contents, but also information related to product safety for authoritative assessments). The outcome in this circumstance may be that using the link would not 'directly' lead to the demanded information, but to a subsequent site or landing page for consumer selection of further options. In this case, the term "directly" may not be entirely appropriate.</p> <p>To address the above, section 7.3 can be broken into two separate - and clearer - paragraphs or thoughts:</p> <p>7.3 The reference on the label shall link directly to a digital space which features the mandatory info and, this mandatory info shall be readily identifiable and easily distinguishable from other information.</p>	
<p><b><u>{7.3 Where mandatory food information is provided solely</u></b> described or presented using technology, <b><u>the reference on the label or labelling shall link directly to this information, and the mandatory food information,</u></b> shall be presented in one place, <b><u>readily identifiable, grouped together, and easily distinguishable</u></b> separately from other commercial information intended for sale or marketing purposes.}]</p> <p>Our preference is for the word "clearly" or the phrase "in a clear manner" to be used to allow for further flexibility such as linking to a landing page that has further links to different types of information about the product. The mandatory information would still be "readily identifiable, grouped together, and easily distinguishable" in this scenario.</p> <p>We can accept the term "directly" if section 7.3 is, as proposed, limited to "where mandatory food information is provided solely using technology".</p>	IDF/FIL
<p><b><u>{7.3 Where mandatory food information is provided solely</u></b> described or presented using technology, <b><u>the reference on the label or labelling shall link directly to this information, and the mandatory food information,</u></b> shall be presented in one place, <b><u>readily identifiable, grouped together, and easily distinguishable</u></b> separately from other commercial information intended for sale or marketing purposes.}]</p> <p>Egypt supports the new wording proposed to achieve the aim can gain; Egypt support the proposed changes are in bold/underline mode that added to the text of purpose as a supplementary text and the deletion proposed accordance with its conflicts or overlaps may be happen or arise.</p>	Egypt
<p><b><u>{7.3 Where mandatory food information is provided solely</u></b> described or presented using technology, <b><u>the reference on the label or labelling shall link directly to this information, and the mandatory food information,</u></b> shall be presented in one place,</p>	Thailand

<p><b><u>readily identifiable, grouped together, and easily distinguishable</u></b> separately from other commercial information intended for sale or marketing purposes.}]</p> <p>Thailand notes that the term "mandatory food information" is unclear as it has not been defined elsewhere in this document. In addition, in Section 5 the term has been revised to "information required on a prepackaged food's label", which in our view provides better clarification. Therefore, we propose reconsidering the use of the term "mandatory food information" to ensure clarity and consistency throughout the document.</p>	
<p><b>Paragraph 7.5</b></p>	
<p><b>7.5</b> <u>7.5 Where mandatory food information is solely provided using technology, the food information shall be available until the “best before date” or “expiration date” for foods with date marking. For foods without date marking, it shall be available up until the time when the product will remain safe and suitable for sale, consumption or use, or as provided by the manufacturer.</u> Where mandatory food information is <b><u>solely</u></b> provided using technology, the reference on the label or labelling should link directly to this information and the food information <del>shall</del> 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 advertising<sup>2</sup> pertaining to the food.] <b><u>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.</u></b></p> <p>While supporting of the general objective pursued by the revised draft text, ICGA would like to suggest some editing to the language in order to streamline this provision one point further:</p> <p>7.5 Where mandatory food information is solely provided using technology, the food information shall be available until the “best before date” or “expiration date” for foods with date marking. For foods without date marking, it shall be available up until the time when the product will remain safe and suitable for sale, consumption or use, or as provided by the manufacturer.</p> <p>As per previous comments expressed by ICGA on that point, CCFL would greatly benefit to seek and get expert views from global retail chains on how such a principle may operate for them in practice (based on real life retail/supply chain models). Such a consultation and call for inputs should be made in advance to the adoption at Step 8 of these guidelines by the Codex Alimentarius Commission meeting receiving that CCFL completed work (for example, by including it in the CCFL48 report and emphasizing it in the future Circular letter seeking comments at Step 8 in advance to CAC47).</p>	<p>ICGA</p>
<p><b>7.5</b> Where mandatory food information is <b><u>solely</u></b> provided using technology, the reference on the label or labelling should link directly to this information and the food information <del>shall</del> should be available <u>until the "best before date" or "expiration date" for foods with date marking. For foods without date marking, it shall be available up until the time when the product will remain safe and suitable for sale, consumption or use.</u> 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 advertising<sup>2</sup> pertaining to the food.] <b><u>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.</u></b></p> <p>Section 7.5: This section seems overly complicated for the key point being conveyed. We suggest it be modified and shortened as follows:</p>	<p>ICGMA</p>
<p><b>7.5</b> Where mandatory food information is <b><u>solely</u></b> provided using technology, the reference on the label or labelling should link directly to this information and the food information <del>shall</del> 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 advertising<sup>2</sup> pertaining to the food.] <b><u>at least the period,</u></b></p>	<p>International Confectionery</p>

<p><b><u>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 <del>dated</del>date as indicated on the product, this means for at least the period up to and including this date.</u></b></p> <p>We suggest the amendment above to note that this date is established on the product. While we offer this edit, the committee could also consider the language below to streamline this provision.</p> <p>7.5 Where mandatory food information is solely provided using technology, the food information shall be available until the “best before date” or “expiration date” for foods with date marking. For foods without date marking, it shall be available up until the time when the product will remain safe and suitable for sale, consumption or use.</p> <p>As in previous comments, we ask the Committee to seek retailer input on how this principle would operate in practice – before these Codex Guidelines can be adopted.</p>	Association
<p><b><u>7.5 Where mandatory food information is <b>solely</b> provided using technology, the reference on the label or labelling should link directly to this information and the food information <b>shall</b> 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 advertising<sup>2</sup> pertaining to the food.] <b>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.</b></u></b></p> <p>We support the introduction of the word "solely" in section 7.5.</p>	International Special Dietary Food Industries
<p><b><u>7.5 Where mandatory food information is <b>solely</b> provided using technology, the reference on the label or labelling should link directly to this information and the food information <b>shall</b> 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 advertising<sup>2</sup> pertaining to the food.] <b>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.</b></u></b></p> <p>FIA is supportive of the addition of the word “solely”.</p>	Food Industry Asia
<p><b><u>7.5 Where mandatory food information is <b>solely</b> provided using technology, the reference on the label or labelling should link directly to this information and the food information <b>shall</b> 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 advertising<sup>2</sup> pertaining to the food.] <b>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.</b></u></b></p> <p>For clarity purposes FIA would like to propose the following amendment to the text:</p> <p>Where mandatory food information is solely provided using technology, the food information shall be available until the “best before date” or “expiration date” for foods with date marking. For foods without datemarking, it shall be available up until the time when the product will remain safe and suitable for sale, consumption or use.</p>	Food Industry Asia
<p><b><u>7.5 Where mandatory food information is <b>solely</b> provided using technology, the reference on the label or labelling should link directly to this information and the food information <b>shall</b> 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 advertising<sup>2</sup> pertaining to the food.] <b>at least the period,</b></u></b></p>	Food Industry Asia



<p><b><u>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.</u></b></p> <p>FIA would like to express agreement with this change.</p>	
<p><b>7.5</b> Where mandatory food information <del>is-is</del><b>solely</b> provided using technology, <del>the reference on the label or labelling should link directly to this information</del> the reference on the label or labelling should link directly to this information and the food information <del>shall</del><b>should</b> 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 advertising<sup>2</sup> pertaining to the food.] <b><u>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.</u></b></p>	BEUC
<p><b>7.5</b> Where mandatory food information is <b>solely</b> provided using technology, <del>the reference on the label or labelling should link directly to this information and the food information shall</del><b>should</b> 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 advertising<sup>2</sup> pertaining to the food.] <b><u>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.</u></b></p> <p>De acuerdo con la propuesta</p>	Paraguay
<p><b>7.5</b> Where mandatory food information is <b>solely</b> provided using technology, <del>the reference on the label or labelling should link directly to this information and the food information shall</del><b>should</b> 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 advertising<sup>2</sup> pertaining to the food.] <b><u>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.</u></b></p> <p>FoodDrinkEurope does not support the proposed revisions to Section 7.5.</p> <p>We see no benefit with the addition of the text “For prepackaged foods that are labelled with a use-by date or expiration date, this means for at least the period up to and including this date.”</p> <p>It is already clear from the first part of 7.5 that any Date of Minimum Durability (best before) or any Use-by Date (Recommended Last Consumption Date, Expiration Date) would reflect the relevant time frame for which information should be available.</p> <p>We note that products with a Use-by Date for normal chilled storage conditions, may be frozen by the consumer for an extended time. By this example, and where there is deviation from intended conditions of distribution and storage, any date indicated on a prepackaged food may not reflect suitability for consumption.</p> <p>The manufacturer cannot be held accountable for such deviations from the intended storage conditions, and thus we suggest removing that additional text and simplify the text.</p> <p>Moreover, the specific nature of products with unlimited shelf-life should be considered here, as it would mean for those products that the information should be accessible for an unlimited period of time. This could create huge difficulties for some economic operators, especially those that would use third-party support for their digital labelling, with expensive cost to ensure the data storage.</p> <p>We would recommend inserting a threshold for the specific category of products with unlimited shelf-life as a reasonable compromise.</p>	FoodDrinkEurope

<p>A reasonable compromise could be as follows:</p> <p>7.5 Where mandatory food information is provided exclusively using technology, the food information shall be available until the “best before date” or “expiration date” for foods with date marking. For foods without date marking, it shall be available up until the time when the product will remain safe and suitable for sale, consumption or use.</p>	
<p>7.5 Where mandatory food information is <b>solely</b> provided using technology, the reference on the label or labelling should link directly to this information and the food information <b>shall</b> be available for the duration of the food’s shelf life <del>[at least and not less than best before date or expiry date]. [The link shall not include advertising<sup>2</sup> pertaining to the food.]</del> <b><u>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.</u></b></p> <p>IDF supports the introduction of the word "solely" in section 7.5.</p>	IDF/FIL
<p>7.5 Where mandatory food information is <b>solely</b> provided using technology, the reference on the label or labelling should link directly to this information and the food information <b>shall</b> be available for the duration of the food’s shelf life <del>[at least and not less than best before date or expiry date]. [The link shall not include advertising<sup>2</sup> pertaining to the food.]</del> <b><u>For foods without date marking, it shall be available up until the time when the product at least the period, established under intended conditions of distribution, storage, retail and use, that the food would will 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.</u></b></p> <p>ICBA recommends these edits for clarity and conciseness.</p>	ICBA
<p>7.5 Egypt supports the new wording proposed to achieve the aim can gain; Egypt support the proposed changes are in bold/underline mode that added to the text of purpose as a supplementary text and the deletion proposed accordance with its conflicts or overlaps may be happen or arise.</p>	Egypt
Paragraph 7.6	
<p>7.6 Food information described or presented using technology <del>shall</del> should be readily accessible to consumers <del>[and comply with the data protection policies of parent organizations]</del> without having to provide or disclose information that is <b>may be</b> used to identify an <del>individual</del> <b><u>individual or that is protected according to data protection rules applicable in the country or region in which the food is marketed.</u></b></p> <p>In the EU, data protection rules cover “personal data” defined as “any information relating to an identified or identifiable natural person [...]” (Article 4(1) of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data). “Personal data” is thus broader than “information that is used to identify an individual”. Therefore, the EUMS propose the necessary addition.</p>	European Union
<p>7.6 EFA agrees with the proposed change from ‘is’ to ‘may be’.</p>	European Federation of Allergy and Airways Diseases Patients’ Associations



<b>7.6</b> Section 7.6 should relate only to "mandatory food information" rather than all "food information" to allow for collection of consumer data when providing voluntary information such as for competitions, recipes, newsletters etc.	<b>International Special Dietary Food Industries</b>
<b>7.6</b> With respect to [proposed] 7.6, we suggest a minor amendment, changing the term 'individual' to 'person or organization, as follows: 7.6 Food information described or presented using technology shall be readily accessible to consumers without the need to provide or disclose information that can be used to identify a person or organisation.	<b>FoodDrinkEurope</b>
<b>7.6</b> Food information described or presented using technology <del>shall</del> should be readily accessible to consumers <del>[and comply with the data protection policies of parent organizations]</del> without having to provide or disclose information that is <b>may be</b> used to identify an individual. FIA would like to express agreement with this change	<b>Food Industry Asia .</b>
<b>7.6</b> Food information described or presented using technology <del>shall</del> should be readily accessible to consumers <del>[and comply with the data protection policies of parent organizations]</del> without having to provide or disclose information that is <b>may be</b> used to identify an individual. FIA would like to express agreement with this deletion.	<b>Food Industry Asia</b>
<b>7.6</b> Food information described or presented using technology <del>shall</del> should be readily accessible to consumers <del>[and comply with the data protection policies of parent organizations]</del> without having to provide or disclose information that is <b>may be</b> used to identify an individual. FIA would like to propose that section 7.6 is amended so that it solely relates to "Mandatory food information" rather than all "food information" to allow for collection of consumer data when providing voluntary information such as for competitions, recipes, newsletters etc	<b>Food Industry Asia</b>
<b>7.6</b> Food information described or presented using technology <del>shall</del> should be readily accessible to consumers <del>[and comply with the data protection policies of parent organizations]</del> without having to provide or disclose information that is <b>may be</b> used to identify an individual. <u>Moreover, no user data shall be collected or tracked.</u>	<b>BEUC</b>
<b>7.6</b> Section 7.6: New Zealand proposes that Section 7.6 should be limited to 'mandatory food information' rather than all 'food information'. This allows for the collection of consumer data when providing voluntary food information which could be bundled with other information such as competitions, recipes or newsletters. Therefore, New Zealand proposes the following edit to Section 7.6: Section 7.6 Mandatory 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.	<b>New Zealand</b>
<b>7.6</b> De acuerdo con las modificaciones propuestas	<b>Paraguay</b>
<b>7.6</b> We propose that section 7.6 should relate only to "mandatory food information" rather than all "food information" to allow for collection of consumer data when providing voluntary information such as for competitions, recipes, newsletters etc	<b>IDF/FIL</b>
<b>7.6</b> Egypt supports the purpose deletion& amended to the text.	<b>Egypt</b>
<b>Paragraph 7.7</b>	

<p><b>7.7</b> ICGA would like to seek further clarification on the possible wide interpretation which would be given to the implementation of the term "sufficient" should this principle be retained in the guidelines.</p> <p>Some information, such as the name of the product or any visual signs, can help consumers to confirm that the information provided on the technology platform corresponds to the product they intend to purchase.</p> <p>Mandatory information is already covered by other provisions of these guidelines.</p>	<b>ICGA</b>
<p><b>7.7</b> {When the label or labelling of a prepackaged food references food information to be accessed using technology, <del>sufficient</del> information shall be displayed on the technology platform to enable consumers to ascertain that the food information pertains to that prepackaged food.</p> <p>Section 7.7: We request that consideration be given to removing the term "sufficient" from section 7.7 or that it be clearly define if included. Some information, such as the name of the product or any visual signs, can help consumers confirm that the information provided on the technology platform corresponds to the product they intend to buy. Mandatory information will remain accessible according to other provisions described within the guidelines.</p>	<b>ICGMA</b>
<p><b>7.7</b> {When the label or labelling of a prepackaged food references food information to be accessed using technology, <del>sufficient the</del> information <del>shall be</del> displayed on the technology platform <u>shall be sufficient and presented in a such a way as</u> to enable consumers to ascertain that the food information pertains to that prepackaged food.</p> <p>Consumers need to swiftly and easily link the food information to the concerned pre-packaged food. However, this depends not only on the amount of information given ("sufficient information") but also on how the information is presented (e.g. the information should not be hidden by (large amount of) other information nor be scattered throughout other information).</p>	<b>European Union</b>
<p><b>7.7</b> ICA Response: We request the CCFL clearly define what is included under the term "sufficient" within this principle if the term is included. Some information, such as the name of the product or any visual signs, can help consumers confirm that the information provided on the technology platform corresponds to the product they intend to buy. Mandatory information will remain accessible according to other provisions described within the guidelines.</p>	<b>International Confectionery Association</b>
<p><b>7.7</b> While EFA partly agrees with the provision, we would like to propose again to add that "food information on the physical label and on digital means should coincide at all times", and therefore "due process shall be taken to ensure the update of the information in relevant cases e.g. recipe change".</p>	<b>European Federation of Allergy and Airways Diseases Patients' Associations</b>
<p><b>7.7</b> With respect to [proposed] section 7.7, we maintain that fulsome reliability in food information conveyed to consumers by technology is critical. In situations where food information is provided through technology and where the product is not available or present, the reliability and accuracy of information conveyed through technology is key to avoid misunderstanding (and avoid health and safety issues). Accordingly, we suggest addition of the text to 7.7 as follows "...and that it is provided by, or on behalf of, the Food Business Operator responsible for bringing the product to market", as shown below:</p> <p>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 and that it is provided by, or on behalf of, the Food Business Operator responsible for bringing the product to market.</p> <p>The addition suggested above provides clear direction to FBOs by clearly defining the responsibility of FBOs. It also may foster consumer trust since it makes clear that the information comes from the FBO or their designate.</p>	<b>FoodDrinkEurope</b>

<b>Paragraph 7.8</b>	
<p><b>7.8</b> <del>Th</del><del>if the purpose of the e</del> reference on the label or labelling of the prepackaged food <del>is not self-explanatory to consumers, it shall</del>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”).</p> <p>It is better that it is clear for all consumers and is thus accompanied by how to use the reference and the type of food information that will be found when used (please see previous comment for EU legislative precedence- CMO regulation).</p>	<b>BEUC</b>
<p><b>7.8</b> This approach is way too restrictive and goes against the very purpose of using digital technology to convey additional information to consumers, especially if it becomes mandatory to indicate all info that can be found on the digital platform (mandatory or optional one), because it would imply the need to translate every wording used on the label to identify the content provided by the digital technology.</p> <p>"Type of food information" could be interpreted in an extensive way by Codex Members, therefore with the potential need to add all types of information that could be found on the digital platform including health-related information, potential sorting instruction and sustainable information about the product, etc., which would limit the willingness for economic operators to add useful complementary information about their products – with consumers not benefitting from a complete info - on top of the necessity to add multiple wording on the physical label of the product, with an info overload making it unreadable.</p>	<b>FoodDrinkEurope</b>
<p><b>7.8</b> If the purpose of the reference on the label or labelling of the prepackaged food is not self-explanatory to consumers, it <del>shall</del>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”).</p> <p>FIA would like to express agreement with this change.</p>	<b>Food Industry Asia</b>
<b>Paragraph 7.9</b>	
<p><b>7.9</b> The reference and any explanatory statement shown on the label or labelling that links to food information to be accessed using technology <del>shall</del>should adhere to sections 8.1.2 and 8.1.3 of the <i>General Standard for the Labelling of Prepackaged Foods</i> 9 (CXS 1-1985).</p> <p>FIA would like to express agreement with this change.</p>	<b>Food Industry Asia</b>
<b>Paragraph 7.10</b>	
<p><b>7.10</b> Food information described or presented using technology shall be clear, prominent and readily <del>legible-understandable for audible</del>audible to the consumer under normal settings and conditions of use of the technological platform.</p> <p>The United States supports the goals associated with adding “audible” in section 7.10 but has concerns about the clarity of the updated section. For example, as written it is possible the added terms “or audible” may lead to confusion that food information could be provided exclusively with audio. Also, the United States questions how food business operators themselves would consistently ensure that food information described or presented with technology be “readily audible,” noting that technologies exist and are often used by visually impaired persons to convert written text to audible form. Recognizing the need for flexibility and the diverse capabilities of consumers to comprehend food information using a variety of technological tools, the United States recommends the following edit:</p> <p>“7.10 Food information described or presented using technology shall be clear, prominent and readily understandable to the consumer under normal settings and conditions of use of the technological platform.”</p>	<b>USA</b>

<p><b>7.10</b> Food information described or presented using technology shall be <del>clear, prominent and readily legible</del> <u>clear and readily accessible (for example, legible or audible)</u> to the consumer under <del>normal</del> <u>standardized</u> settings and <u>nominal</u> conditions of use of the technological platform.</p> <p>While ICGA is generally supportive of the underlying accessibility objective underlined in the principle, ICGA would like to suggest a couple of substantively important editorial amendments to this principle as presented above. Principle 7.10 would read "7.10°°°Food information described or presented using technology shall be clear and readily accessible (for example, legible or audible) to the consumer under standardized settings and nominal conditions of use of the technological platform. "</p>	<b>ICGA</b>
<p><b>7.10</b> Food information described or presented using technology shall be clear, prominent and readily <del>legible</del> <u>accessible for [for example, clearly legible or audible]</u> to the consumer under normal settings and conditions of use of the technological platform.</p> <p>ICGMA members could support the addition of audible in section 7.10. For further clarity we suggest the following amendments:</p>	<b>ICGMA</b>
<p><b>7.10</b> The EUMS agree on the addition of "audible" in this section.</p>	<b>European Union</b>
<p><b>7.10</b> IFT suggests an amendment to the wording for clarity (noting "audible" cannot be prominent, but can be clear and made accessible): "Food information described or presented using technology shall be clear and readily accessible (e.g., legible or audible) to the consumer under standard settings and conditions of use of the technological platform"</p>	<b>IFT</b>
<p><b>7.10</b> Food information described or presented using technology shall be <del>clear, prominent</del> <u>clear</u> and readily <u>accessible (for example, legible or [for audible]audible)</u> to the consumer under <del>normal</del> <u>standard</u> settings and conditions of use of the technological platform.</p> <p>We support adding the principle above and suggest the following amendments to the language for clarity. We believe that including the language legible "or audible" would help broaden the accessibility of labelling information through the use of technology.</p>	<b>International Confectionery Association</b>
<p><b>7.10</b> At EFA we do not consider the proposed addition 'or audible' necessary. The use of the word 'or' could be perceived as a possibility to provide the information in either written or audible form. Giving the option to make it one or the other, though, risks making it less accessible.</p> <p>Today, everything written in a digital setup e.g. a platform, a website etc, can easily and automatically be reproduced via sound with the use of widely available tools, embedded in all internet browsers.</p>	<b>European Federation of Allergy and Airways Diseases Patients' Associations</b>
<p><b>7.10</b> We consider that the words "or audible" should not be added to section 7.10.</p> <p>The reasons are as follows:</p> <ul style="list-style-type: none"> <li>- Providing food information using technology does not presuppose the provision of auditory information.</li> </ul> <p>(When considering the use of technology to provide food information, auditory information should be considered as an additional option.)</p> <ul style="list-style-type: none"> <li>- Adding the words "or audible" may induce unintended interpretations such as "it doesn't matter if it's not legible as long as easy to hear."</li> </ul>	<b>Japan</b>
<p><b>7.10</b> ISDI does not support the inclusion of "or audible" in section 7.10.</p> <p>Including "or audible" would allow for written presentation of food information to be replaced by audio presentation, which is not acceptable as a full replacement to written presentation.</p> <p>We note that there is nothing in the proposed draft that would prevent audio presentation in addition to written presentation of food information, but audio presentation is not a requirement.</p>	<b>International Special Dietary Food Industries</b>

<p>Given that audio presentation is not a requirement, we do not believe it is necessary to regulate how it may be presented.</p>	
<p><b>7.10</b> Food information described or presented using technology shall be clear, prominent and readily legible <del>for audible</del><u>with or without its audible version</u> to the consumer under normal settings and conditions of use of the technological platform.</p> <p>Indonesia supports including reference to the information being audible as well as legible. Indonesia proposes the wording of section 7.10 as follows:</p> <p>"Food information described or presented using technology shall be clear, prominent and readily legible with or without its audible version to the consumer under normal settings and conditions of use of the technological platform."</p> <p>Rationale:</p> <p>Indonesia considers that the food information should be mandatorily legible in any case. The audible version may be added in case of the use of technology in food labeling and does not replace the food information in legible form. Suppose it is allowed that the food information is solely presented in audible form/version, the consumer may have more obstacles to get the information, e.g. noisy situations, and dialect differences.</p>	<p><b>Indonesia</b></p>
<p><b>7.10</b> FIA is of the view that information should be provided in written form, with the optional addition of presenting the information in an audible manner. The audible presentation of information should not act as a replacement for information provided in written form and hence FIA does not support the addition of [or audible]</p> <p>We note that there is nothing in the proposed draft that would prevent audio presentation in addition to written presentation of food information.</p> <p>Given that audio presentation is not a requirement, we do not believe it is necessary to suggest the manner in which it is provided.</p>	<p><b>Food Industry Asia</b></p>
<p><b>7.10</b> Food information described or presented using technology shall be clear, prominent and readily legible <del>for or if applicable</del><u>audible</u> to the consumer under normal settings and conditions of use of the technological platform.</p> <p>We support including the bracketed text. However, noting section 7.3 does not provide permission for food information to be provided by audio presentation it is therefore not a replacement of written information. Therefore, for clarity we propose the addition of 'if applicable' to the text.</p>	<p><b>Australia</b></p>
<p><b>7.10</b> Food information described or presented using technology shall be clear, <del>prominent and prominent,</del> readily legible <del>for and,</del><u>when applicable, audible,</u> to the consumer under normal settings and conditions of use of the technological platform.</p> <p>Canada supports adding "audible" to Section 7.10. We note from the consultation summary that this section is not providing permission to provide labelling information audibly; rather it is saying that if audio is used, it must be audible.</p> <p>However, it could be misinterpreted from the use of the word "or" in the provision that audible food information is a suitable alternative for legible food information. To avoid potential confusion, we propose the following revision:</p>	<p><b>Canada</b></p>
<p><b>7.10</b> De acuerdo con la inclusión del término audible, consideramos que la misma constituye un mecanismo inclusivo de información</p>	<p><b>Paraguay</b></p>
<p><b>7.10</b> FoodDrinkEurope strongly supports the addition of "audible".</p> <p>With the same intend to make technology accessible to a wide audience, we also suggest making small changes in 7.4 and 7.7:</p> <p>7.4. ...the food information shall be offered in accordance with applicable Codex texts.</p>	<p><b>FoodDrinkEurope</b></p>

7.7 ...sufficient information shall be provided on the technology platform.	
<p><b>7.10</b> IDF does not support the inclusion of "or audible" in section 7.10.</p> <p>Including "or audible" would allow for written presentation of food information to be replaced by audio presentation, which is not acceptable as a full replacement for a written presentation.</p> <p>We note that there is nothing in the proposed draft that would prevent audio presentation in addition to written presentation of food information but audio presentation is not a requirement.</p> <p>Given that audio presentation is not a requirement, we do not believe it is necessary to regulate how it may be presented.</p>	<b>IDF/FIL</b>
<b>7.10</b> Egypt supports the word added to the text.	<b>Egypt</b>
<b>7.10</b> GUATEMALA está de acuerdo con la adición de "o audible"	<b>Guatemala</b>
<b>Paragraph 7.11</b>	
<p><b>7.11</b> If this requirement is put in place, there will be cases where the language of the food information presented using technology will be different to the language of the country the product is sold in. This is because there are situations where the original manufacturer provides the prepackaged product to a distributor who then sells the product to markets that the original manufacturer has no knowledge or control over.</p> <p>ISDI's position is that, in such situations, it should be acceptable for the link on the physical label to be covered (e.g. with a sticker) to prevent access to the information provided via technology as this information will be unsuitable for the consumer.</p> <p>This is because there is a difference in what can be done for the physical label and labelling, and information provided via technology. For the physical label or labelling, it is possible for the distributor to change this (e.g. by putting a new label) to comply with requirements, including language requirements, of the country the product is sold in.</p> <p>However, unlike the physical label which is in the control of the distributor, the information provided through technology (e.g. website) is in the control of the original manufacturer. It would place an undue burden on the original manufacturer to be responsible for updating their website to reflect all languages that might be necessary due to future exports by a distributor.</p>	<b>International Special Dietary Food Industries</b>
<p><b>7.11</b> FIA would like to highlight that Section 7.11 does not provide clarity on who bears the responsibility to provide food information in the suitable language. This is of particular relevance when a food is imported into a new country by a FBO other than the original manufacturer. In our view, it is the obligation of the mentioned FBO to ensure that the food information is in the appropriate language. As it stands, Section 7.11 could result in the manufacturer being responsible, regardless of whether they are aware of, or intend for, the food being in a particular market. FIA would like to implore that clarity is provided in the Guideline on this matter.</p> <p>We are of the position that where the language of food information presented using technology is not suitable, it should be acceptable in terms of complying to section 7.11 for the link, QR code etc. on the physical label to be covered (e.g. with a sticker) to prevent access to the information provided via technology.</p>	<b>Food Industry Asia</b>
<b>7.11</b> The language or languages of food information described or presented using technology shall be <del>suitable to the consumer</del> <b>provided at least</b> in the <b>official languages of that</b> country in which the food is marketed.}	<b>BEUC</b>
<b>7.11</b> Section 7.11: New Zealand would like clarification that if the language wasn't suitable for the country the product was marketed to, then it would be acceptable for the link to be covered (for example with a sticker), to prevent access to this information.	<b>New Zealand</b>



<p>If the reference on the label is printed by the original manufacturer, then this manufacturer controls the information this reference links to. The product could be sold in other markets by a third-party distributor without the control or knowledge of the original manufacturer. In this instance it should be the distributor who is responsible for ensuring the language is appropriate for the country they market the product in. The distributor will unlikely be able to change the information on the website the reference links to, therefore it should be acceptable for the link to be covered to prevent access to this information. It would place undue burden on the original manufacturer to be responsible for updating their website to reflect all language that might be necessary to account for future exports by a third-party distributor.</p>	
<p><b>7.11</b> The language or languages of <b>mandatory</b> food information described or presented <b>solely</b> using technology shall be suitable to the consumer in the country in which the food is marketed.}]</p> <p>If there is to be this requirement in section 7.11, we are of the position that where the language of food information presented using technology is not suitable, it should be acceptable in terms of complying to section 7.11 for the link on the physical label to be covered (e.g. with a sticker) to prevent access to the information provided via technology.</p> <p>This is because there are situations where the original manufacturer provides the prepackaged product to a distributor who on-sells the product to markets that the original manufacturer has no knowledge or control over.</p> <p>In this scenario, there is a difference in what can be done for the physical label and labelling, and information provided via technology. For the physical label or labelling, it is possible for the distributor to change this (e.g. by putting a new label) to comply with requirements, including language requirements, of the country the product is sold in.</p> <p>However, unlike the physical label which is in the control of the distributor, the information provided through technology (e.g. website) is in the control of the original manufacturer. Therefore, the only correction that can be done is to cover the link/reference on the physical label or labelling to prevent access to the unsuitable information. It would place undue burden on the original manufacturer to be responsible for updating their website to reflect all languages that might be necessary due to future exports by a distributor.</p> <p>IDF would like to propose the changes marked in 7.11. Whether on a physical label, or if solely provided using technology, mandatory food information must be presented in a language(s) suitable to consumers in the country within which the food is marketed. While voluntary information should be strongly encouraged to be presented in a language suitable to consumers in the country within which the food is marketed, it should not be required.</p>	IDF/FIL
<p><b>Paragraph 7.12</b></p>	
<p><del><b>[7.12Where 12Access to food information is provided using technology, it technology shall be provided without any additional costs-cost for the consumer.]</b></del></p> <p>Regarding section 7.12, the United States commends the EWG Chair for their efforts to seek language that reflects both the need for consumers to access food information provided through technology without cost, and the reality that some platforms have a membership or registration fee independent of any specific food information captured on those platforms or associated technological tools. However, we are concerned that including “additional” does not provide the necessary clarity in section 7.12. Noting the fundamental concern with cost is the cost to access food information provided through technology, the United States recommends the following edit:</p> <p>“[7.12 Access to food information provided using technology shall be provided without any cost for the consumer.]</p>	USA
<p><del><b>[7.12Where food information is provided using technology, it shall be provided without any additional costs for the consumer.]be provided without any additional costs for the consumer.]</b></del></p>	ICGA

ICGA would like to seek further clarifications about introducing references to "costs" in such Codex guidelines. Perhaps a more general reference to "wherever possible, based on gratuity" or "not subject to any fee" could be an alternative wording worth exploring.	
<p><b><u>[7.12Where food information is provided using technology, it shall be provided without any additional costs for the consumer.]</u></b></p> <p>The issue of “cost” exists in both draft guidelines for e-Commerce (under section 5.4) and technology (under section 7.12). We continue to note that the issue of cost in these 2 texts is ambiguous and nebulous and does not belong in Codex text per se and would point out there is no precedent for such inclusion. Decision and resolution on this must be consistent in both documents.</p> <p>This concern was raised in the e-Commerce second Consultation and is referred to in CX/FL 24/48/6 on page 3 about obvious indirect costs to consumers when trying to access the information on the e-page of the prepackaged food, such as Wi-Fi, mobile data costs and the cost of a device.</p> <p>Although the WTO technical barriers to trade (TBT) provision 5.2.5. speaks to “equitable” fees generally relative to conformity assessments, we believe Codex should solicit legal counsel on the question of “cost” relative to sale of food items before such a term is integrated into Codex text. We question if its inclusion in any way has any foreseen or unforeseen legal ramifications regionally or broadly from a trade perspective.</p> <p>Based on the above comments, we request removal of section 7.12.</p>	ICGMA
<p><b><u>[7.12Where food information is provided using technology, it shall be provided without any additional costs for the consumer.]</u></b></p> <p>The EUMS agree on the addition of this section and on its proposed drafting.</p>	European Union
<p><b><u>[7.12Where food information is provided using technology, it shall be provided without any additional costs for the consumer.]</u></b></p> <p>While our members support ensuring that labeling information is readily accessible to consumers without additional cost to consumers, we believe the issue of consumer cost is not within the scope of CCFL and, therefore, do not support the inclusion.</p>	International Confectionery Association
EFA agrees with the inclusion of 7.12.	European Federation of Allergy and Airways Diseases Patients' Associations
<p>7.12 We believe this should be restricted to "mandatory" information where it is "solely" provided using technology.</p> <p>There is a difference to the e-commerce situation because here, there is another free source of information i.e. the label or labelling, unless the information is solely provided using technology.</p> <p>In some scenarios for the provision of food information using technology, the provision of voluntary information may be bundled with some other form of paid service such as a subscription to recipes. This should be allowed if mandatory food information can still be accessed without cost on the label or labelling.</p>	International Special Dietary Food Industries
7.12 Indonesia supports the wording of Section 7.12 and agrees to open the square brackets	Indonesia
7.12 FIA would strongly suggest the exclusion of 7.12. views that it is unprecedented for a Codex text to address ‘cost’. Legal counsel should be sought to assess the implications of integrating ‘cost’ into the context of food item sales. The inclusion of ‘cost’ within Codex standards raises questions about potential legal ramifications, both regionally and globally, from a trade perspective. It is imperative	Food Industry Asia



to carefully consider any foreseen or unforeseen consequences that may arise from such an inclusion. We maintain that the concept of 'cost' extends beyond the scope of the Codex mandate and aligns more closely with the World Trade Organisation's technical barriers to trade (TBT) provision 5.2.5, which addresses "equitable" fees generally related to conformity assessments.	
7.12 We support inclusion of the bracketed text.	<b>Australia</b>
<p><b><u>[7.12Where food information is provided using technology, it shall be provided to the consumer without any additional costs for charge to access the consumer information.]</u></b></p> <p>Canada supports the intent of section 7.12, which is that when food information is accessed by consumers using technology through a reference on the label, it should be provided free of charge to the consumer. Canada notes that the scope of these guidelines clearly refer to food information that is accessed via a reference on a prepackaged food's label or labelling, and so this provision would not apply to other types of information that may be provided using technology.</p> <p>While Canada supports the intent, we note that the current wording could be open to interpretation regarding what "additional costs" include. Therefore, we suggest the following modifications to bring clarity and specificity to the wording:</p>	<b>Canada</b>
7.12 De acuerdo con la propuesta de redacción	<b>Paraguay</b>
7.12 FoodDrinkEurope supports the addition of the new provision on costs.	<b>FoodDrinkEurope</b>
7.12 The current treatment of "costs" in text 7.12 remains ambiguous for Codex documents, and there is no existing precedent for including cost. We therefore recommend that CCFL further consider the implications of using the term "cost", including consideration of potential alternative language, with the objective of ensuring a clear understanding of what is meant by "cost" in this context.	<b>IDF/FIL</b>
<p><b><u>[7.12Where food information is provided using technology, it shall be provided without any additional costs for the consumer.]</u></b></p> <p>As stated in above, ICBA respectfully requests removing this new section 7.12 regarding "costs" as there are potential legal ramifications that we believe must first be considered.</p>	<b>ICBA</b>
7.12 Egypt supports the proposed changes are in underline mode that added to the text of purpose as a supplementary text.	<b>Egypt</b>
7.12 GUATEMALA con relación a la consulta del inciso 7.12, considera que la redacción actual puede ser ambigua o confusa respecto a su interpretación, sobre lo que representa indicar "sin costo adicional para el consumidor" ya que se debe tomar en cuenta que el acceso a internet tiene un costo el cual no puede ser absorbido o facilitado por parte de la empresa y se tiene claro que el objetivo de este inciso es que al momento que el consumidor desee acceder a la plataforma o página web donde se encuentra la información no debe tener un costo adicional para el consumidor, por lo que se propone la siguiente redacción	<b>Guatemala</b>
<p>7.12 El país está de acuerdo con la nueva disposición sobre costos de la sección 7.12; sin embargo, se sugiere eliminar el término "adicional", quedando de la siguiente manera:</p> <p>[7.12 Cuando la información alimentaria se facilite utilizando tecnología, se hará sin costo para el consumidor.]</p>	<b>Ecuador</b>