

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 7

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ORIGINAL LANGUAGE ONLY

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-eighth Session

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

(Comments from Kenya, Senegal, United Republic of Tanzania, International Association of Consumer Food Organizations (IACFO))

Kenya

Issue: Review the addition of [audible] in section 7.10 and the new provision on costs in section 7.12 to align with the work on e-commerce.

Comment: Regarding clause 7.10 the text should be drafted such that audible should be provided optionally in addition to the requirement that information being clear, prominent and readily legible but not to replace such requirement, so as to read, ' *Food information described or presented using technology shall be clear, prominent and readily legible [or and may be presented in audible] to the consumer under normal settings and conditions of use of the technological platform* '

Rationale: The information presented about the use of technology should be to great extent possible be aligned with CXS 1-1995 regarding legibility and that any further forms should be to supplement and not to replace the legibility.

Senegal

Contexte :

Depuis sa 44e session, le Comité du Codex sur l'étiquetage des denrées alimentaires (CCFL) a examiné les travaux sur le point « Innovation – utilisation de la technologie dans l'étiquetage », qui ont été décrits comme de nouvelles voies pour fournir aux consommateurs des informations sur les aliments qu'ils achètent.

La CCFL47 a examiné les textes proposés, y a apporté plusieurs modifications et a ajouté des crochets pour certaines dispositions. Le Comité est ensuite convenu de transmettre l'avant-projet de Directives à la CAC46 pour adoption à l'étape 5.

La CCFL47 a également convenu de rétablir le GTÉ, présidé par le Canada et coprésidé par l'Inde et la Nouvelle Zélande, afin de poursuivre l'élaboration de l'avant-projet de Directives qui sera distribué pour commentaires à l'étape 6 et examiné par la CCFL48.

Ainsi, le CCFL48 est invité à :

1. Revoir l'ajout de [audible] à la section 7.10 et la nouvelle disposition sur les coûts à la section 7.12 afin de s'aligner sur les travaux relatifs au commerce électronique.
2. Examiner si les Directives sur l'utilisation de la technologie pour fournir des informations sur les denrées alimentaires dans l'étiquetage des aliments (annexe II) sont prêtes à passer à l'étape 8.
1. Révision de l'ajout de [audible] à la section 7.10 et la nouvelle disposition sur les coûts à la section 7.12 afin de s'aligner sur les travaux relatifs au commerce électronique

1.1 *Les informations sur les denrées alimentaires auxquelles les consommateurs ont accès par le biais d'une référence sur l'étiquette ou l'étiquetage des denrées alimentaires préemballées **doivent** être fondées sur les principes suivants, que **ces informations** ~~les informations sur les denrées alimentaires~~ soient exigées fournies de manière obligatoire ou volontaire.*

Position :

Le Sénégal préconise l'utilisation du présent de l'indicatif du verbe devoir « doivent ».

Justification :

Cette position est conforme à la logique de la rédaction de la NGEDAP et des autres Directives du Codex mais également aux règles de légistique en matière de rédaction des textes de loi. Ce temps doit être utilisé tout au long du document.

1.2 *Lorsque des informations obligatoires sur les denrées alimentaires sont fournies uniquement à l'aide de technologies, la référence sur l'étiquette ou l'étiquetage doit être directement liée à ces informations, et les informations obligatoires sur les denrées alimentaires doivent être présentées en un seul endroit, aisément identifiables, regroupées et facilement distinguables séparément des autres informations commerciales destinées à la vente ou à la commercialisation.*

Position :

Le Sénégal propose le maintien du terme « **en un seul endroit** » dans le texte : « Lorsque des informations obligatoires sur les denrées alimentaires sont fournies uniquement à l'aide de technologies, la référence sur l'étiquette ou l'étiquetage doit être directement liée à ces informations qui sont présentées **en un seul endroit**, lisibles, visibles et séparées des autres informations commerciales destinées à la vente ou à la commercialisation ».

Justification :

Cette formulation paraît plus simple, moins confuse et adaptée à nos textes internes. Les informations obligatoires sur les denrées alimentaires fournies uniquement à l'aide de technologies devraient être facilement identifiables et visibles pour le consommateur, et ne pas être encombrées par d'autres informations commerciales.

Enfin, il est impératif que sur l'étiquette physique, les informations commerciales ou de marketing soient distinguées des informations obligatoires sur les denrées alimentaires.

1.3 *Les informations sur les denrées alimentaires décrites ou présentées à l'aide de la technologie doivent être facilement accessibles aux consommateurs [et se conformer aux politiques de protection des données des organisations mères] sans qu'ils aient à fournir ou à divulguer des renseignements susceptibles d'identifier un individu.*

Position :

Le Sénégal préconise la suppression de ce paragraphe qui n'entre pas dans le champ d'application du Codex et du CCCFL en particulier.

Justification :

La protection des données personnelles est une préoccupation majeure prise en charge par d'autres Conventions et lois plus larges et qui dépassent même le cadre de la Sécurité sanitaire des aliments.

1.4 Les informations sur les denrées alimentaires fournies à l'aide d'une technologie doivent être *accessibles au consommateur*, ~~fournies sans frais supplémentaires pour le consommateur.~~

Position :

Le Sénégal estime que l'ajout de cette section sur le coût dans le projet de texte est pertinent eu égard à son importance.

Justification :

Pour être compétitifs, les industriels doivent innover notamment dans la présentation de leurs produits. Il n'appartient pas au consommateur de supporter un quelconque coût pour disposer d'une information sur lesdits produits sachant que cette information est un droit consacré par des Conventions d'une plus grande portée.

2. Examen des Directives sur l'utilisation de la technologie pour fournir des informations sur les denrées alimentaires dans l'étiquetage des aliments (annexe II) : passage à l'étape 8.

Position :

Le Sénégal approuve le passage à l'étape 8 du projet de Directives.

Justification :

Compte tenu des consensus forts qui ont été dégagés au sein du GTE et du fait que toutes les questions en suspens ont aussi été traitées, il est judicieux de passer à l'étape 8 (étape finale).

United Republic of Tanzania

COMMENT

(a) The URT agrees to the proposed inclusion of audible

Justification:

To facilitate communication to people with vision disability

(b) The URT supports the advancement of the Guidelines on the Use of Technology to Provide Food Information in Food Labelling (Appendix II) to Step 8

IACFO

(changes following adoption at Step 5 are presented as **bold-underline** additions and ~~striketrough~~ deletions)

General comment: We recommend including in this guideline a cross-reference to the "Guidelines on the Provision of Food Information for Pre-packaged Foods Offered Via E-commerce" since these two related sets of guidelines both address the provision of labeling information online

1. PURPOSE

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

2. SCOPE

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

3. USE

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

4. DEFINITIONS

For the purpose of these guidelines:

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

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

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

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

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

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

We recommend the following addition to 5.2: “Mandatory information, especially the name of the food, price, net quantity, and **any and all** food information concerning health and safety, including but not limited to nutrition, ingredient, and allergen information, should not be provided exclusively using technology.”

This change is warranted to clarify which items at minimum must appear on the physical package and should not be provided exclusively using technology.

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

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

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

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

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

7.1 The general principles in Section 3 of the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) are applicable to food information that is described or presented using technology.

7.2 Food information described or presented using technology shall not conflict with information provided on the label or labelling of the prepackaged food, including when shown in different languages.

7.3 ~~Where mandatory food information is provided solely described or presented using technology, the reference on the label or labelling shall link directly to this information, and the mandatory food information, shall be presented in one place, readily identifiable, grouped together, and easily distinguishable separately from other commercial information intended for sale or marketing purposes.~~

We recommend adding an additional statement or section stating:

“The consumer protections associated with use of a technology (such as a QR code) to provide labelling information should be no less than what they would be for any other online information.”

7.4 Where food information is provided using technology, the food information shall be shown in accordance with applicable Codex texts.

7.5 Where mandatory food information is **solely** provided using technology, ~~the reference on the label or labelling should link directly to this information and the food information shall~~ should be available for the duration of the food's shelf life [at least and not less than best before date or expiry date]. ~~[The link shall not include advertising pertaining to the food.]~~ **at least the period, established under intended conditions of distribution, storage, retail and use, that the food would remain safe and suitable for sale, consumption or use. For prepackaged food that are labelled with a use-by date or expiration date, this means for at least the period up to and including this date.**

We support this addition but emphasize the importance that it not be applied to any information regarding health and safety

7.6 Food information described or presented using technology ~~shall~~ should be readily accessible to consumers ~~[and comply with the data protection policies of parent organizations]~~ without having to provide or disclose information that is **may be** used to identify an individual.

7.7 When the label or labelling of a prepackaged food references food information to be accessed using technology, sufficient information shall be displayed on the technology platform to enable consumers to ascertain that the food information pertains to that prepackaged food.

7.8 If the purpose of the reference on the label or labelling of the prepackaged food is not self-explanatory to consumers, it ~~shall~~ should be accompanied by an explanation of how to use it or the type of food information that will be found when used (e.g. “scan here for more information on ingredients”).

7.9 The reference and any explanatory statement shown on the label or labelling that links to food information to be accessed using technology ~~shall~~ should adhere to sections 8.1.2 and 8.1.3 of the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985).

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

We recommend that presentation of information in audio format be addressed in a separate sentence or section that reads “Food information described or presented using technology in audio format shall be audible to the consumer under normal settings and conditions of use of the technological platform. Sellers are encouraged to provide food information in both written and audio format.” We recommend this change because, as written, information could be presented in audio format as an alternative to written format.

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

We recommend clarifying the importance that the technology used be suitable for the country in which the food is marketed by adding the following sentence to 7.11 “Additionally, the technology used to present food information shall be suitable based on local conditions, including which major technology platforms are available

in that country and provide information in a manner that optimizes opportunities for time-efficient product comparisons, and include as many locally understood languages as practicable.”

[7.12Where food information is provided using technology, it shall be provided without any additional costs

for the consumer.]

We support the addition of 7.12 as written.