

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 5.1, 5.2, 6, 7, 13, 14

FL48/CRD36

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

Forty-eighth Session

Quebec City, Canada

27 October – 1 November 2024

*Comments from ISDI*

#### AGENDA ITEM 5.1: REVISION TO THE GENERAL STANDARD FOR THE LABELLING OF PRE-PACKAGED FOODS (CXS 1-1985): PROVISIONS RELEVANT TO ALLERGEN LABELLING:

#### Comment on Sections 4.2.1.4 and 4.2.1.5 – Food and ingredients to be declared

ISDI appreciates the fact that the EWG has added scientific names for tree nuts and notes that the same was done for cereals containing gluten.

- ISDI however notes that the specified name 'gluten' was not added as a specified name in the column called "SPECIFIED NAME" as shown in the tables below and would appreciate if the Committee could consider adding it to section 4.2.1.4 for PAL purposes.
- Additionally, could the Committee consider adding scientific names for all plant allergens in the column called "FOOD AND INGREDIENTS" as shown in the table below? This would ensure consistency of the document, but above all clarify for which species allergen labelling applies, in particular when it comes to, for example, 'mustard'.
- Finally, could the Committee also consider adding 'treenuts' for PAL purposes only to section 4.2.1.4 and 4.2.1.5 as a specified name in the column called "SPECIFIED NAME" as shown in the tables below? This would be helpful when several potential treenut cross-contacts are identified as significant following risk assessment. Indeed, due to the likelihood of cross-sensitization to multiple treenut allergens, the patient treatment guideline is strict avoidance of all nuts once one tree nut allergy has been diagnosed<sup>1</sup>. There is therefore no benefit in listing tree nuts in detail when discussing PAL.

<sup>1</sup> Smeekens JM, Bagley K, Kulis M. Tree nut allergies: Allergen homology, cross-reactivity, and implications for therapy. *Clin Exp Allergy*. 2018 Jul;48(7):762-772. <https://doi.org/10.1111/cea.13163>

FOODS AND INGREDIENTS	SPECIFIED NAME
Cereals containing gluten <sup>1</sup> – wheat and other <i>Triticum</i> species – rye and other <i>Secale</i> species – barley and other <i>Hordeum</i> species and products thereof	'gluten', for PAL purposes only 'wheat' 'rye' 'barley'
Crustacea and products thereof	'crustacea'
Eggs and products thereof	'egg'
Fish and products thereof	'fish'
Peanuts and products thereof	'peanut'
Milk and products thereof	'milk'
Sesame and products thereof	'sesame'

Specific tree nuts	'tree nuts', for PAL purposes only
– Almond ( <i>Prunus amygdalus</i> )	'almond'
– Cashew ( <i>Anacardium occidentale</i> )	'cashew'
– Hazelnut ( <i>Corylus spp.</i> )	'hazelnut'
– Pecan ( <i>Carya illinoensis</i> )	'pecan'
– pistachio ( <i>Pistacia vera</i> )	'pistachio'
– walnut ( <i>Juglans spp.</i> )	'walnut'
and products thereof	

#### **Comment on Section 4.2.1.7 - Sulphite declaration to be based on the food as consumed:**

JECFA considered food consumption when identifying the risk from sulphite to asthmatics in 1999 ([932. Preservative: Sulfur dioxide and sulfites \(WHO Food Additives Series 42\) \(inchem.org\)](#)), this parameter should be therefore be reflected in the declaration threshold.

Considering food consumption and reconstitution in assessing the need for sulphite labelling aligns furthermore with the FAO/WHO Committee's recommended allergen risk assessment practice, as this is now reflected in the draft revised GSLPF text.

This will allow hypersensitive sulphite consumers to have access to safe food without being limited in their choices, as will be the case for consumers allergic to foods. Sulphites are not more hazardous than food allergens and do not require a more conservative risk assessment.

#### **Comment whether the text is ready for advancement to Step 8.**

ISDI would like to thank again the Electronic Working Group for preparing this document. ISDI however feels few points need further discussion and consensus from all members, in particular:

- adding to the column headed "FOOD AND INGREDIENTS" in section 4.2.1.4, and where appropriate in section 4.2.1.5, the scientific names next to the plant allergens listed in the column headed "FOOD AND INGREDIENTS" – as this is already done for the different tree nuts,
- adding the terms 'gluten' and 'tree nuts' to the column headed "SPECIFIED NAME" in section 4.2.1.4, and where appropriate in section 4.2.1.5, as specified names, while specifying that the use of these two terms is reserved to the sole purposes of the PAL,
- clarifying the need for section 4.2.2, and adding a section relating to method analysis and sampling.

ISDI believes that the text would merit an additional round of discussion with all member countries to reach final consensus and therefore advises against the text be advanced to Step 8.

#### **AGENDA ITEM 5.2: Guidelines on the use of precautionary allergen labelling:**

##### **Comment on Principle 4.3.1**

ISDI supports the proposed table however notes that risk assessing 'wheat' will not ensure the safety of gluten intolerant consumers, since they are intolerant to gluten which may arise from e.g. wheat, rye or barley.

Since the purpose of the present guidelines on the use of PAL Appendix II is to communicate to consumers with food allergy or coeliac disease, ISDI supports adding 'Wheat/Cereals containing gluten' and the corresponding reference dose as '(5.0 (with a maximum of 20 mg gluten/kg))'.

ISDI would appreciate the Committee advice on how to convert wheat, rye, barley or any other hybridised cereal proteins into gluten equivalents.

##### **Comment on whether the text is ready for advancement to Step 5.**

ISDI would like to thank again the Electronic Working Group for preparing this document.

ISDI supports the advancement of this text at Step 5 and encourages CCFL to request CCFH providing guidance on the risk assessment of unintended allergen presence (UAP), to ensure consistency of CXC 80-2020 with the Annex to GSLPF, and to follow up on the work requested from CCMAS.

##### **Comment on the request to CCFH:**

ISDI supports CCFL in requesting CCFH to act as follows:

- Ensure consistency of CXC 80-2020 with the revised GSLPF and guidelines on the use of PAL. This shall ensure consistency of Codex texts.

Consider providing guidance on UAP risk assessment.

#### **AGENDA ITEM 6: GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PRE-PACKAGED FOODS TO BE OFFERED VIA E-COMMERCE:**

##### **Comment on The 'Indication of Durability' Clause**

ISDI supports the removal of the 'durability or policy on Shipping' clause, or Section 6.2 of the proposed guidelines as indicated in FL48/CRD03, in its entirety. It is still unclear as to who would be the responsible party for indicating the shipping policy of products. ISDI is also concerned with the legal implications on manufacturers because of this ambiguity.

As currently stated in the guidelines, this could easily be interpreted that the manufacturer is responsible for indicating the shipping policy of products. However, generally manufacturers are not in a position to provide this type of information for products sold via e-commerce as they do not have control of the shipping and storage variables that may impact when consumers receive a product relative to its 'best before / use-by' date.

ISDI would also like to highlight that in the consultation process, most of the EWG Members (9 of 16), and Observers (6 of 8), were not in favour of including a durability clause in these guidelines, which was echoed in the discussions during the virtual working group on 16 October 2024. Therefore, ISDI would like to ask CCFL48 to remove the proposed section 6.2.

#### **AGENDA ITEM 7: GUIDELINES ON THE USE OF TECHNOLOGY TO PROVIDE FOOD INFORMATION IN FOOD LABELLING:**

##### **Comment on Section 6:**

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. 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.

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).

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). 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.

##### **Comment on Section 7.6**

ISDI believes 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

##### **Comment on Section 7.10**

ISDI does not support the inclusion of "or audible" in section 7.10.

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. ISDI notes 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. Given that audio presentation is not a requirement, we believe it is not necessary to include such a clause in the Codex guidelines.

##### **Comment on Section 7.11**

ISDI believes that such a 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.

Therefore, ISDI would like to recommend 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. 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. 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.

### **Comment on Section 7.12**

ISDI recommends that this should be restricted to "mandatory" information where it is "solely" provided using technology. 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.

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.

### **Comment on whether the text is ready for advancement to Step 8:**

ISDI thinks that the text is not ready for advancement to Step. 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.

## **AGENDA ITEM 13: SUGAR LABELLING - DEFINITION FOR 'ADDED SUGARS'**

### **ISDI Comments**

If the work is considered a priority by CCFL, ISDI supports the recommendation

- i) to undertake further work on the development of a definition of "added sugars"*

ISDI believes that there is indeed merit to harmonize the definition of "added sugars". The current challenge is that globally there is no universally agreed definition for 'added sugars'. This results in a situation where National Authorities may take different opinions and some products are unnecessarily penalized due to intrinsic sugars levels in the products.

ISDI believes that the work should focus on this recommendation and does not support recommendation ii) at this stage.

ISDI notes that Foods for special dietary uses will merit special attention in any work on added sugars.

ISDI also considers the following aspects for this work:

- 1) **The definition should be completely aligned with the Codex Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997);** and in particular the definition of non-addition of sugars claim
- 2) **Scientific basis:** Ensure that the definitions are based on sound scientific evidence and take into account the latest understanding of scientific data such as a review of the scientific evidence related to ingredients on cariogenic potential, metabolism, caloric value, and glycaemic response, which may lead to excluding ingredients from the definition of added sugars, e.g., allulose.
- 3) **Quantification of added sugars:** CCFL has to work with CCMAS to develop other methods relating to the quantification of added sugars as additional information to support future implementation of the definition in the guidelines.

ISDI notes that there are no analytical methods to distinguish added and inherent sugars or from the total sugars. There is no possibility to control the declaration. Such declaration is based on paper-work calculations and averaging as the variability of inherent sugars makes the task difficult and leads to the situation where the information on added sugars that would be on the label is often approximative/ misleading and leading to unfair competition between manufacturers' declarations on labels that cannot be controlled analytically by competent authorities. It might represent a disproportionate administrative burden to companies.

## **AGENDA ITEM 14 – FUTURE WORK AND DIRECTION FOR CCFL**

**ISDI comments on the proposed work on 'High in' claims:**

ISDI supports initiatives aimed at improving public health and nutrition. However, it is imperative that these initiatives are implemented in a manner that accurately communicates with consumers without setting misleading precedents.

ISDI considers it important to distinguish between the proposed "high in" levels for nutrients of public health concern and nutrient content claims. The proposal related to "High in" as mentioned in the potential work item for CCFL may be considered as Front-of-Pack Nutrition Labelling (FoPNL), or other public health policies and are not conditions for making nutrient content claim.

Further, the Guideline for the Use of Nutrition and Health Claims is not intended to have nutrition profiling in scope and therefore the suggestion that the work is relevant for supporting national authorities in the development of FoPL interventions is not justified.

The purpose of the Table of Conditions for Nutrient Content Claims, as outlined in CAC/GL 23, is to emphasize the beneficial nutritional properties of food products, thereby enabling consumers to make informed decisions regarding healthier alternatives. The inclusion of "high in" thresholds for public health concern nutrients within this framework poses a risk of undermining the table's purpose.

We recognise that nutrition policies typically outline nutrients to limit in the diet and this is already covered under nutrient content claim provisions for "low in" or "free from" nutrients of concern. We question how "high in" will support the public health approach.

Scientific evidence demonstrates the complexity in nutrient interactions in food (food matrix effects) which means though a food may contain a particular nutrient of concern, it cannot be assumed that consumption will result in a negative health outcome. Further, such foods may also be recommended in dietary guidelines (E.g. cheese contains Na, Na is important for food safety). As such, it is important that any such outcome doesn't negatively impact beneficial food consumption in line with dietary guidelines.

We are concerned that singling out nutrients of concern with a focus on "high in" continues to perpetuate the traditional nutrient-based approach to diets. A holistic approach that considers the whole food matrix is important to ensure alignment with dietary guidelines. We also note that nutrients of concern naturally occurring in foods (E.g. saturated fat in dairy products) cannot always be modified as part of reformulation activities, so we question how useful a 'high in' statement will be in these situations.

The current approach to nutrient content claims provides information in a positive manner to reinforce public health messaging. Positive language is more likely to receive a positive emotional response rather than negative messages which may lead to anxiety, as such it is important to consider consumer understanding and reception of such claims.

Therefore, ISDI would like to recommend caution if such a work is undertaken by CCFL.

Should the work progress, we suggest that it is appropriate for CCFNSDU to support the work. We would also like to highlight that it is not appropriate for 'sugar', the focus needs to be on 'added sugar' to be in line with WHO guidelines therefore, this work may also rely on the CCFL added sugars definitions being finalised.