

CODEx ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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World Health
Organization

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Agenda Item 6, 10, 12, 13

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON FOOD LABELLING

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(Comments from International Baby Food Action Network (IBFAN))

Agenda Item 6: Guidelines on the provision of food information for pre-packaged foods to be offered via e-commerce

IBFAN recommends the addition of the following safeguards (Step 7).

The food information on pre-packaged foods offered via e-commerce for foods for infants and young children must be in conformity with the International Code of Marketing of Breastmilk Substitutes and subsequent WHA resolutions,

The standard should make Reference to the Code of Ethics for International Trade in Food including Concessional and Food Aid, Transactions (CXC 20-1979) in order to safeguard the marketing of foods for infants and young children,

Labelling related to foods for infants and young children should be on the product label and not lead consumers to commercial websites and other commercial and promotional information,

The mandatory labelling information must also be on the e-commerce webpages to ensure that the consumer has full information on ingredients, nutrient information and preparation, storage and handling instructions prior to making decisions to purchase the product.

IBFAN agrees that the durability clause means the period between the point of delivery and the best-before or use-by date,

No user data should be collected or tracked through electronic means.

Agenda Item 10: Discussion paper on Food labelling exemptions in emergencies

IBFAN is opposed to this proposal for flexible labelling for food aid provided in emergencies.

IBFAN is opposed to flexible labelling for food aid provided in emergencies. Flexible labelling and flexible nutrient and ingredient content is not consistent with Codex principles and will put vulnerable populations at risk for nutrient inadequacy. The lack of full and accurate information regarding the food products as well as the safe use, preparation, handling and storage of the food aid will compromise the health of those already in vulnerable situations.

Populations in emergencies are at risk for infections, spread of disease, may already be undernourished due to food insecurity, experiencing stress and trauma and should not be subject to flexible labelling that may exacerbate their vulnerable status. The notion of flexibility during emergencies undermines the importance of existing Codex labelling safeguards.

Purpose

The purpose of these guidelines is to provide guidance through general principles and decision-making criteria for the consideration and flexible application of food labelling requirements in emergencies **to ensure that those requiring emergency foods have full and accurate information and** that cause supply chain disruptions, and to ensure that the food labelling ~~flexibilities~~ applied by ~~national competent~~ authorities in such emergencies ~~are as harmonized and risk-based as possible to maintain food safety, consumer protection from misleading information, and fair trade in uncertain situations.~~

Scope

For the purposes of these guidelines, an emergency is understood to mean an exceptional and temporary event **that requires the provision of food supplied to populations at risk inadequate food intake, food insecurity, malnutrition and starvation.** ~~that causes significant disruption to the international, regional, national, or local food supply chain, in whole or in part.~~ Emergencies and **the lack of access to adequate food supplies** ~~consequent supply chain disruptions~~ may occur due to human pandemics, animal disease outbreaks, natural disasters, climate change, disruption of critical infrastructure networks, war, or famine, as well as combinations of these and other scenarios. Such emergencies may be experienced globally, regionally and may prompt national ~~competent~~ authorities to consider the ~~flexible application of food labelling requirements~~ **to ensure full and accurate information and safe preparation, storage and handling of food supplies provided in emergencies in the languages of the populations requiring food aid.** ~~help maintain a safe and adequate food supply. For the purposes of these guidelines, such flexibilities are risk-based derogations from food labelling requirements to the extent and for the periods strictly necessary to facilitate a safe and adequate food supply during an emergency, as determined by competent authorities.~~ This guideline applies to both prepackaged foods and non-retail containers of food.

Principles (proposed by IBFAN)

- Populations experiencing food insecurity and food deprivation should not be treated as requiring lower standards of labelling than those standards required for all populations.
- Food aid provided in emergencies must be accurate and fully inform the recipient of the ingredients, the nutrient content and the safe preparation, storage and handling.
- The labelling of foods provided as food aid must be in the local languages of those receiving the food aid.
- Foods for infants and young children provided in emergencies must comply with the provisions of the [International Code of Marketing of Breastmilk Substitutes](#) and subsequent [World Health Assembly Resolutions](#) and the [Operational Guidance on Infant Feeding in Emergencies \(OG-IFE\) version 3.0 \(Oct 2017\)](#) to ensure that breastfeeding is protected as the safe and secure feeding in emergencies to safeguard infant and young child health and lives.
- It is essential that any decision regarding a determination of an emergency is highly sensitive and political and must - or any decision regarding how the emergency is managed must be safeguarded from commercial influence and exploitation,

~~Competent National authorities should consider the following principles regarding the application of food labelling requirements in an emergency:~~

~~The *General principles of the general standard on the labelling of prepackaged food (CXS 1-1985)*, section 3.1-2, apply to these guidelines.~~

~~Before an emergency occurs, competent authorities should:~~

- ~~Review national legislation to determine what authorities are available to determine which flexibilities authorities are able to grant in an emergency and, if no flexibilities could be offered in such emergencies, harmonize national legislation with these guidelines.~~
- ~~Develop a transparent and risk-based plan for considering requests for food labelling flexibilities in times of emergency, indicating stakeholder responsibilities, procedures to be followed, as well as communication with the public and notification to affected countries. Such a plan should be part of an overall national food safety emergency plan.~~

~~When identifying an emergency, and during an emergency, competent authorities should consider whether the event:~~

- ~~Reveals that existing food labelling requirements, though effective under normal conditions, now compromise or otherwise negatively impact the availability of a safe and adequate food supply;~~
- ~~Demonstrates that flexibility in non-food safety or otherwise low-risk food labelling requirements will assist in mitigating the effects of the emergency on the availability of a safe and adequate food supply, and;~~
- ~~Is exceptional and temporary in nature. Any flexibilities provided by the competent authority during an emergency should:~~
- ~~Not compromise food safety or introduce risks such as foods or ingredients that are known to cause hypersensitivity (e.g. allergen labelling);~~
- ~~Be tailored to proportionally address significant negative impacts resulting from the emergency, such as risk of shortage of a safe and adequate food supply, as demonstrated by the food business operator (FBO);~~

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- ~~Be effective only for the period in which significant negative impacts are experienced, as demonstrated by the competent authority, FBO, or other stakeholders;~~
 - ~~[Consider how products produced during the emergency that remain available for sale after the emergency is over should be addressed (i.e. stock in trade)];~~
 - ~~Be based on an assessment of risk relative to the emergency, using all relevant, available information, including consideration of impacts on nutrition or health claims and whether any proposed substitute ingredients are already approved by the competent authority;~~
 - ~~Arise from issues identified by FBOs and communicated to competent authorities;~~
 - ~~Be [monitored and] supported by records kept by the FBO [and the competent authority] to support and document implementation of the flexibility, [and enable traceability]. [All records kept by the FBO should be made available to the competent authority.]~~
 - ~~Not provide undue competitive advantage to one or more FBOs over others;~~
 - ~~Not apply to product exported to other countries, unless acceptance from the country or countries importing the product is confirmed by the competent authority.~~
 - ~~Be communicated in a transparent manner, as far in advance as possible using all effective means, including the use of technology, to FBOs, trading partners, and consumers;~~
 - ~~Leverage technology-based approaches where feasible to enhance the availability of food information to all appropriate stakeholders (i.e. FBOs, trading partners, consumers, and competent authorities). A potential lack of access to technology in an emergency should be considered by competent authorities when assessing the feasibility of technology-based approaches~~
 - ~~Ensure continuity in the basic product information while providing flexibility in the means of communicating such information (e.g. temporary stickering, [in-store materials, use of technology in labelling, websites, accompanying documents]).~~
 - ~~Not substantially change the basic nature of the product;~~
 - ~~Be harmonized [across commodities, FBOs, and trading partners,] as far as possible, [and be applied to foods/food groups identified on the basis of the kind and nature of emergency.]~~
 - ~~Be notified to and coordinated with other countries, [leveraging international networks such as the International Food Safety Authorities Network (INFOSAN)]~~
 - ~~Be considered as part of a broader national, regional, or international framework to enhance food supply chain resilience in emergencies.~~
- ~~After an emergency, competent authorities should:~~
- ~~Evaluate the results of any flexibilities provided during the period of the emergency and adapt the country's food labelling emergency plan accordingly to promote resilience in future emergencies.~~

- ~~Communicate to FBOs, countries, and the public that time-limited flexibilities offered during the emergency are no longer effective.~~

Examples of flexibilities

~~The following are non-exhaustive examples of flexibilities that competent authorities may choose to provide, when sufficiently demonstrated by the FBO as necessary to mitigate the effects of an emergency on a safe and adequate food supply:~~

- ~~Labelling format flexibility in how the information is provided.~~
- ~~Permit alternative ingredient lists for circumstances when an alternative approved food or ingredient was sourced, allowing formulation changes to be communicated through accompanying documents, websites, in-store materials, or stickering if labelling modification is not possible.~~
- ~~Slight variations in nutrition information not reflected in nutrition information panels.~~
- ~~Depletion of existing labelling stocks.~~

Agenda Item 12: Discussion Paper on Sustainability labelling claims

“You meet at time of unprecedented challenges. Conflicts and climate change are exacerbating food insecurity and malnutrition. Most people around the world who have access to food cannot afford healthy diets. Deforestation and habitat loss are increasing the risk of zoonotic pathogens. Anti-Microbial Resistance, environmental contamination and degradation, occupational hazards, unsafe and adulterated foods – the list goes on. A transformation of the world’s food systems is needed urgently, based on a One Health approach that protects and promotes the health of humans, animals and the planet. The Codex Alimentarius has a critical role to play in guiding country regulations that promote health, while facilitating fair trade. WHO remains committed to working with FAO to develop and deliver high quality scientific advice and evidence-based global food safety guidelines and standards.”

Dr Tedros Adhanom Ghebreyesus, WHO Director-General welcome address: CAC45

“meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

UN World Commission on Environment and Development: Our Common Future, 1987

IBFAN considers it of great importance to address the global impact of food production on greenhouse gas emissions and its impact on climate change, biodiversity, labour practices, protection of agricultural land and animal welfare.^{1, 2} However, it is critically important that any efforts by Codex to improve or transform the Food System on the basis of a One Health Approach, as called for by Dr Tedros, must be: human rights based, must not mask problems that need to be addressed; must not undermine food security; must not further exacerbate an already broken, harmful food system and must not facilitate the trade of harmful ultra-processed products

The current practice of sustainability labelling as noted by the submissions of member States and Observers to the Circular letter CL2022/12FL in the stocktake summary shows that 82% of the already implemented labels were privately owned, 66% were verified by a third (non-government) party and only 12% by government and/or public institutions. Non-government-regulated labelling was often reported as misleading.

The lack of government regulation on sustainability labelling and the predominance of food industry and self-regulated certification labelling schemes leads to unsubstantiated claims and “green washing” being used to promote product consumption and increase market share.

It is IBFAN’s long experience that nutrition and health claims are rarely based on credible science and invariably misleading. When used to promote foods for infants and young children such labelling is especially deceptive and undermining of breastfeeding and WHO recommendations for optimal infant and young child feeding. Such claims put maternal, infant and young child health at risk and are forbidden by World Health Assembly Resolutions.³

¹ (9) [COP27 – Can lessons be learned and the UPF trade controlled?](#) IBFAN Statement. November 2022.

² *Nature Climate Change*, Ivanovich et al. further confirm in their [Analysis article](#) that global food consumption can add nearly 1 °C to warming by the end of this century, driven by foods that are high sources of methane, such as beef, dairy and rice.. *Modern food emissions*. *Nat. Clim. Chang.* (2023). <https://doi.org/10.1038/s41558-023-01643-2>

³ **2010 WHA 63.23** urged Member States to: “end inappropriate promotion of food for infants and young children and to ensure that nutrition and health claims shall not be permitted for foods for infants and young children, except where specifically provided for, in relevant Codex Alimentarius standards or national legislation”.

If national Governments are to permit sustainability labelling, it is essential that warnings, rather than claims are prioritised, especially in relation to pre-packaged ultra-processed products.

Codex Guidelines should encourage governments to follow several key principles to encourage fair, comparable and truthful labelling:

- Adequate, effective, legally binding and independently monitored safeguards must first be in place to ensure that human and planetary health is not undermined by misleading claims.
- The onus for reducing the impact of food systems on climate change should not be placed on consumers.
- Governments primary aim must be to protect and restore biodiversity, prevent the degradation of ecosystems and the wider environment, reduce the risks from emerging and re-emerging zoonotic epidemics and pandemics and curb the silent pandemic of antimicrobial resistance.

The Independently verified impact of ALL the factors that contribute to food production and food consumption (“from farm to fork”) should be used as criteria and they must include as a minimum:

- water consumption along the whole production chain
- source of ingredients - local or imported
- processing of ingredients
- processing of the final product
- environmental cost of the global supply chain
- global, regional and national transportation
- packaging - plastics – microplastics, chemicals such as PFAs⁴
- labour practices
- animal health
- retailing, marketing and promotion

The need for Government regulation

IBFAN is of the opinion that any sustainability labelling must be government regulated and that private/commercial/industry self-regulated and certified claims should not be permitted.

The resources needed to legislate, enforce, monitor and substantiate sustainability claims and warnings effectively will be costly. In many cases this will be a counter-productive, wasteful and will utilize critical public health resources to facilitate the needs of the processed food industry rather, than bring about the *“transformation of the world’s food systems [that] is needed urgently, based on a One Health approach that protects and promotes the health of humans, animals and the planet”*

In countries where effective regulation is not a viable option, sustainability labelling should not be permitted.

It is critically important that sustainability labelling must not be permitted for commercial milk formulas or foods for infants and young children to the age of 5 years. The risks of a sustainability claim being misleading are too great.

Agenda Item 13: Discussion paper on Sugar Labelling - definition for ‘added sugars’

IBFAN is of the opinion that the proposed work to Define and Label of Added Sugars is important:

- The copious forms of mono and disaccharides, numerous types of syrups and concentrated fruits, other food concentrates and the addition of high sugar constituents such as jams, chocolate ingredients etc that are added to foods that function as sweetening agents all need to be identified as “added sugars” to distinguish them from sugars that are naturally found in foods that are otherwise nutritious.

⁴ Waste disposal and the burning of rubbish increases methane emissions. *“Plastics do not fully decompose and instead just continually break down into smaller and smaller pieces called microplastics. These microplastics pose a huge risk to wildlife and are extremely difficult to clean up. ...The best way to reduce the impact of single-use plastics on climate change is to stop using this type of plastic.* <https://www.colorado.edu/ecenter/2021/02/25/climate-impact-single-use-plastics>

- Consumers have a right to full and accurate information about the food products they may wish to purchase. Providing information about the quantity of “added sugars” is a fundamental requirement to make informed choice in the market place.
- It is critically important that label information assist mothers, parents, families, children etc to understand and manage their “sugar” intake as a health protection measure. Labelling with full quantitative information of all the various forms of “added sugars”, both as a percentage of added sugar by weight in the ingredient list and as a sub-total of total sugars in the nutrient declaration panel is needed to enable consumers to realize national and WHO recommendations on daily total added and free sugar consumption limits. The World Health Organization recommends that the intake of free sugars (defined as monosaccharides and disaccharides added to foods, plus sugars that are naturally present in honey, syrups, and fruit juices) be less than 10% of total energy intake, and a further reduction to less than 5% of total energy intake would provide additional health benefits.¹
- The consumption of processed foods containing significant amounts of added sugars replaces healthy foods such as whole grains and fruits and vegetables. Afshin et al (2019)² reported that the health impact of sub-optimal diets in 195 countries “accounted for more than 50% of deaths and 66% of DALYs attributable to diet. Our findings show that suboptimal diet is responsible for more deaths than any other risks globally, including tobacco smoking”.

IBFAN is of the opinion that the labelling of Added Sugars be mandatory:

The inclusion of “added sugars” should be mandatory on the nutrient declaration list and as a percentage ingredient declaration.

The disease reduction, health protection potential of full and factual information on food product labels is of critical importance.

Because:

1. Food products for infants and young children such as cereal based foods and drinks for young children³ that often contain added sugars as sweetening agents, give rise to the consumption of “empty calories” and displaces nutritional energy intake with non-nutritive energy intake at a crucial stage of growth and developmental, contributing to obesity and diet related non-communicable diseases. Additionally sweetened complementary foods and drinks set up a taste preference for sweet foods⁴ at an early age that may persist into adulthood.
2. The production, marketing and consumption of sweetened foods for infants and children contribute to the malnutrition in all its forms of both obesity and malnutrition⁵.
3. The consumption of sugar-sweetened beverages (SSBs) has increased from 1990 to 2018 by 16% in 185 countries⁶ as reported by Castor(2023). Additionally, citing the Euromonitor International (2022) WHO reports⁷ “The off-trade consumption of soft drinks, excluding bottled water, has increased by 21.2% globally in the last 15 years, with particularly high growth in Asia Pacific, Middle Eastern, and African countries”, noting that SSBs are the leading source of free sugars consumption.
4. Defining “added sugars” and mandating it on product labels will enable countries to implement excise taxes on SSBs to make those products less affordable and reduce consumption. Defining added sugars will also inform compositional restrictions to, for instance, prohibit their addition to infant and toddler foods or mandate time-limited reductions in other foods, especially soft drinks.

Codex must also consider the impact and limitation of non-sugar sweeteners (NSS), these include acesulfame K, aspartame, advantame, cyclamates, neotame, saccharin, sucralose, stevia and stevia derivatives. The 2023 WHO Guidelines on the use of non-sugar sweeteners⁹ recommends that NSS not be used to manage weight or to reduce the risk of non-communicable diseases. Moreover the WHO report on the health impact of the use of NSS⁹; report on the results of meta-analysis suggests that intake during pregnancy is associated with a very concerning 25% increase in the risk of premature birth, even after controlling for gestational age and leanness, and preeclampsia. The WHO also found that increased intakes of is linked to increased body weight, type 2 diabetes, cardiovascular diseases and all-cause mortality in the general population.

IBFAN proposes that warnings of the risks described by the WHO be mandated and the recommendation that they not be used for weight management be prominently communicated on labels of products containing NSSs.

References:

1. World Health Organization (2015) *Guideline: sugars intake for adults and children*. Geneva, World Health Organization. <https://apps.who.int/iris/handle/10665/149782>.
2. Afshin, A., Sur, P.J., Fay, K.A., Cornaby, L., Ferrara, G., Salama, J.S. & et al (2019) Health effects of dietary risks in 195 countries, 1990–2017: a systematic analysis for the Global Burden of Disease Study 2017. *The Lancet*. 393 (10184), 1958–1972. doi:10.1016/S0140-6736(19)30041-8.
3. Nutrient and promotion profile model: supporting appropriate promotion of food products for infants and young children 6–36 months in the WHO European Region. Copenhagen: WHO Regional Office for Europe; 2022. Licence: CC BY-NC-SA 3.0 IGO.
4. Beauchamp GK, Mennella JA. Early flavor learning and its impact on later feeding behavior. *J Pediatr Gastroenterol Nutr*. 2009 Mar;48 Suppl 1:S25-30. doi: 10.1097/MPG.0b013e31819774a5. PMID: 19214
5. WHO. Malnutrition: Key Facts Geneva: World Health Organization; 2023. Available at: <https://www.who.int/news-room/fact-sheets/detail/malnutrition#:~:text=Malnutrition%2C%20in%20all%20its%20forms,while%20462%20million%20are%20underweight>
6. Castor, L.L. et al. Sugar-sweetened beverage intakes among adults between 1990 and 2018 in 185 countries. *Nature Communications*. 14: Article number 5957, 2023.
7. Global report on the use of sugar-sweetened beverage taxes, 2023. Geneva: World Health Organization; 2023. Licence: CC BY-NC-SA 3.0 IGO.
8. World Health Organization (2023) *Use of non-sugar sweeteners: WHO guideline*. <https://www.who.int/publications/i/item/9789240073616>.
9. Rios-Leyvraz M, Montez J. Health effects of the use of non-sugar sweeteners: a systematic review and meta analysis, Geneva: World Health Organization. 2022, Licence CCBY-NC-SA3.OIGO.