CODEX ALIMENTARIUS COMMISSION

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World Health Organization

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Agenda Item 6 **CX/FL 19/45/6**

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON FOOD LABELLING

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PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING

(Prepared by the Electronic Working Group Chaired by Costa Rica and Co-chaired by New Zealand)

Codex members and Observers wishing to submit comments at Step 3 on this draft should do so as instructed in CL 2019/14/OCS-FL available on the Codex webpage/Circular Letters 2019: http://www.fao.org/fao-who-codexalimentarius/circular-letters/en/

I. INTRODUCTION

1. The 44th Session of the Codex Committee on Food Labelling (CCFL44) agreed to establish an EWG, chaired by Costa Rica and co-chaired by New Zealand, working in Spanish and English with the following terms of reference (REP18/FL para.48):

i. Consider the *Guidelines on Nutrition Labelling (CXG 2-1985)* and any other relevant Codex guidelines with regard to any consequential changes that may be required to incorporate guidance on front of pack nutrition labelling (FOPNL) into Codex texts.

ii. Prepare proposed draft guidelines for circulation for comments and for consideration at CCFL45 including four (4) key aspects: (a) purpose and scope; (b) definition of FOPNL; (c) general principles for FOPNL; and (d) aspects to consider in the development of FOPNL systems, identified under section 3 ("Main Aspects to be Covered") of the project document.

iii. Make recommendations on the placement of the guidelines.

2. In 2018 the new work was approved by the 41st Session of the Codex Alimentarius Commission (REP18/CAC Appendix VI).

II. BACKGROUND

3. At the 43rd Session of the Codex Committee on Food Labelling (CCFL43), it was agreed to initiate discussions to consider whether there was a need to develop global principles to support the front of pack nutrition labelling. This was conducted by way of an electronic working group (EWG) chaired by Costa Rica and co-chaired by New Zealand and included the preparation of a stocktake of FOPNL systems currently in use or in the process of being developed by different countries. Based on the stocktake of FOPNL systems used worldwide, significant variation in the systems could be noticed. However, there were several common elements described by members that could support the development of general scientific principles to guide countries and organizations wishing to establish such systems.

4. At that moment, the EWG also determined that the *Guidelines on Nutrition Labelling (CXG 2-1985)* allow for the use of supplementary nutrition information; however, these guidelines do not provide the necessary guidance to help governments (and other stakeholders) apply supplementary nutrition information, such as FOPNL, in a way that ensures the protection of public health while minimizing potential barriers to trade, therefore, a solid orientation on FOPNL could have a significant impact worldwide.

III. PROCESS OF THE EWG

5. The Codex Secretariat issued an invitation to join the EWG on FOPNL in November 2017, which was conducted through the online platform. A total of 44 Codex members and 20 Codex observers took up the invitation. The full list of participants is provided in Appendix II.

6. The EWG has undertaken two rounds of consultation.

7. A first discussion paper was circulated in March 2018 and addressed the purpose and scope of the guidelines for the use of FOPNL; a proposal of what should be captured as FOPNL (definition and inclusion/

exclusion criteria) and the principles that should underpin a FOPNL system. A total of 40 responses were received from 28 Codex members and 12 Codex observers.

8. The second discussion paper was circulated in August 2018 and presented the summary of and discussion of responses to the first discussion paper, the refined scope, definition and general principles and proposed draft guidelines for the use of FOPNL, other aspects to consider in the development of a FOPNL system, including additional considerations for national authorities for each of the proposed global principles and recommendation on the placement of the guidelines. A total of 45 responses were received from 33 Codex members and 12 Codex observers.

9. The proposed draft guidelines on Front-of-Pack Nutrition Labelling are presented in Appendix I.

IV. DISCUSSION OF THE EWG

10. Members were invited to discuss each of the sections of the proposed guidelines, through two rounds of comments. The comments and suggestions for improvements to the text were incorporated into the revised text to the extent possible. Below are some of the key issues which received substantial feedback from members of the EWG.

(i) Purpose

11. EWG Members generally agreed that FOPNL is a tool to guide the purchase selection of the food and to help consumers make decisions that contribute to improving nutrition. The guidelines on FOPNL should not exceed and should be consistent with the mandate of the current *Guidelines on Nutrition Labelling* (CXG 2-1985). They also agreed that the wording should be simple and avoid terms that could extend beyond what the FOPNL can actually achieve.

12. In addition, EWG members suggested FOPNL should be consistent with evidenced based dietary guidelines, which are the first and foremost the basis of healthy eating strategies and policies. However, several members noted that FOPNL should be aligned not only with the dietary guidelines, but with the national health policy, including nutrition policy. These members also added that not all countries have elaborated their own dietary guidelines, so they suggest replacing the term “dietary guidelines” by “national health and nutrition policy”.

13. Some members suggested adding the phrase "minimize trade barriers" within the purpose, however, other members were of the opinion that this would not be necessary as it is a Codex objective and therefore would be redundant.

14. Several members suggested removing the term “healthier” from the purpose, because identifying healthy food options is a subjective term that will depend on the health and nutrition conditions of each person. These members stated that the purpose should clearly reference and highlight FOPNL systems’ public health objectives, which include reducing the burdens of non-communicable diseases and diet-related chronic diseases.

15. Some EWG members wanted to delete reference to “to assist governments or other stakeholders” whereas others wanted to retain it. The majority support was for the deletion of both terms, considering that the fact of not mentioning them is more general and in the same way it will allow its application for any stakeholder.

(ii) Scope

16. There were different views on the scope, so it is a section that requires further discussion. Below are the points on which the CCFL should focus in order to reach a higher degree of consensus.

17. It was proposed that the FOPNL only apply to pre-packaged foods as defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985). However, some EWG members noted that the mandate of the CCFL is not limited to pre-packaged foods, and that FOPNL could be applied to unpackaged products. In addition, some EWG members agreed that it would be good to consider the possible application of proposed guidelines for FOPNL to online sales and the use of new technologies for labelling, such as the extended information provided by consumers who scan the bar code.

18. Other members are of the opinion that the scope of FOPNL should not be restricted to pre-packaged foods that include nutrient declaration and suggest deleting the last part of the first sentence; because the section 5 of the *Guidelines of Nutrition Labelling* already states that supplementary nutrition information might be provided without the nutrient declaration for target populations that have a high illiteracy rate or comparatively little knowledge of nutrition.

19. EWG members agreed that it could be inappropriate to apply a FOPNL to certain foods. This included alcoholic beverages, given the role of FOPNL in guiding consumers to healthier food choices. Promotion of one type of alcohol over another based on risk nutrients identified for other foods is misleading and could result

in unintentional promotion of some alcoholic beverages. This specific exclusion had broad support from the members of the EWG.

20. Some foods are developed specifically to meet the dietary requirements of a specific population group. Those needs may differ significantly from the general population and therefore what is the "healthier choice" for the general population may not be the healthier choice for the specific population group. It is therefore not appropriate for these foods to be reformulated in line with dietary guidelines for the general population. Given the above, the exclusion of special purpose foods had broad support from EWG members. In that sense, an observer pointed out that, for clarity purposes, products that are already exempted from nutrition labelling at Codex level should be immediately excluded in an unequivocal manner in the text, see e.g. *Guidelines on Nutrition Labelling (CXG 2-1985)* plus dietetic products (*"foods for special dietary uses, including all foods for infants and young children, sports foods or drinks, foods for special medical purposes are excluded"*). However, some members suggested to delete sports drinks from exemptions by arguing that "sports foods and drinks" are not defined in Codex texts and there may be a wide range of foods included in this category. Many products sold as sport drinks are consumed as a general beverage.

21. Many EWG members commented on the proposed list of foods that may be exempted from FOPNL. The list has been redrafted to reflect what was supported by the majority of EWG participants. In that sense, a general note has been added indicating that the list is illustrative.

22. For its part, one member organization is of the view of not including examples of exemptions since in some countries there are more specific regulations.

(iii) Definition of Front-of-Pack Nutrition Labelling (FOPNL)

23. The EWG formed after the CCFL43 to initiate discussions on FOPNL, began to explore what could be considered as FOPNL. The gathering of data as part of the stocktake undertaken by this EWG highlighted that differences in what is considered FOPNL occur in different countries. EWG members raised a number of issues with the proposed definition and inclusion/exclusion criteria that require further discussion.

24. The proposed definition in the first discussion paper included simplified nutrition information that can be found near food, for example, on shelf-tags. This approach was consistent with the definition of labelling in the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985). However, most EWG members agreed that the definition of FOPNL in itself already excludes what is not on the front of the package, without contradicting the definitions of CXS 1-1985.

25. One member indicated that the current Codex definition for "prepackaged" includes foods for catering/hospitality purposes, therefore there is no need for this to be spelled out specifically in the definition of FOPNL.

26. The members of the EWG discussed the relevance of maintaining the text: [*that provide information on the overall nutritional value of the food, or on nutrients associated with the reduction in the risk of diet-related non communicable diseases*] within the definition. One EWG member pointed out that they do not support the text in square brackets to avoid unnecessary restrictions on innovation in this field, since the FOPNL is a recent regulatory approach and that different systems have been developed and experimented internationally. Another member said that the reference to non-communicable diseases should be deleted as FOPNL can address more nutrition issues as well.

27. In addition to this, one member considered that the essential characteristic of FOPNL is the simplification of the nutrient information, therefore the term simplified nutrition and, consequently, the first half of the sentence is agreed but the second half, reading, "*or on nutrients associated with the reduction in the risk of diet-related non communicable diseases*" should not be included as this information can be seen as nutrient claim. The criteria for the FOPNL system include the nutrients of specific public health concern.

28. The EWG also discussed whether isolated graphics or isolated textual indications, such as warnings "high in sugar", "high in salt/sodium", "high in saturated fat"; should be considered as FOPNL. There were divided views from members of the EWG on this issue.

12 countries supported the inclusion of warnings as part of the FOPNL, 14 countries did not support it (including the European Union), and 7 countries did not reach an internal consensus. Of the observer organizations, 5 supported the inclusion of warnings while 6 were against their inclusion, and one observer pointed out that the current *Nutrition Guidelines* might not be sufficient to determine whether isolated graphics and textual indications such as "high in" warning labels is a nutrition claim or not.

29. Some members supporting the inclusion of warning type FOPL argued that this approach has been used in some countries as a type of simplified nutrition information intended to inform consumers about the high content of nutrients associated with the increase in the risk of chronic diseases. Additionally, they indicate that there is increasing evidence demonstrating that this type of information could increase the consumer´s understanding of the nutritional value of food. Those members who did not support the inclusion of warning

type FOPNL argued that any symbols/isolated graphics or isolated textual indications highlighting only the negative aspects of foods could be interpreted as nutrition claims provided on a mandatory basis and do not fall under the general principles. Other members noted that warning statements contradict what is established in the *General Guidelines on Claims* (CXG 1 -1979 point 3.5).

30. This is an area that will require significant discussion during plenary in order to find a way forward in the development of harmonised guidance on FOPNL.

(iv) General Principles

31. There were several principles most of the EWG members agreed on, however, the opinions received were many and varied. The main issues addressed by the participants in relation to each of the proposed principles are discussed below.

Principle 1: Only one FOPNL system should be recommended in each country/ region

32. Several members pointed out that the ideal in terms of not confusing the consumer would be a single system at the level of the country of implementation and that in the case of coexisting a FOPNL system regulated by the authority with other systems, these must be harmony between each other (not contradictory) i.e. a system which is nutrient-specific together with a system providing an overall assessment of the healthiness of a food product and in a limited number.

33. In the case of the option of the system being regional, some members were of the opinion it needs to be flexible enough to be adapted to suit the particular in-country demographic and context in order to have relevance and meaning to consumers at a country level, including varying language/literacy needs or country-specific public health issues. However, where there are similar governments in a region they should be encouraged to work together wherever possible, with tailoring as needed, towards a common system for their region.

Principle 2: Should present information in a way that is easy to understand by a wide variety of consumers

34. At this point, many members agreed on the importance of conducting evaluations before and after implementing the system to demonstrate that the system is understood by those who have a low level of literacy since they are less likely to be able to read and understand nutritional information more complex in the form of nutrition labeling. This would also be aligned with the principle that is listed in Section 5.2 of the *Guidelines on Nutrition Labelling* to ensure understanding of the nutritional value of a food by "target populations that have a high illiteracy rate and / or comparatively little knowledge of nutrition".

35. One member pointed out that the type of FOPNL system chosen should be relevant to the population of the country within which it is based, taking in account aspects of ‘cultural/traditional relevance’, and could imply that while symbols may be the best choice in some countries, in others a mixture of text and symbols may be more relevant for a wide variety of its consumers. These aspects can be decided at a national level.

Principle 3: Should only be provided in addition to, and not in place of, the nutrient declaration

36. The majority of the members agreed with this principle, stating it was consistent with the *Guidelines on Nutrition Labelling*, that states that supplementary nutrition information should only be given in addition to, and not in place of, the nutrient declaration.

37. However, some members noted that the second paragraph of section 5 of the *Guidelines of Nutrition Labelling* already states that supplementary nutrition information might be provided without the nutrient declaration for target populations that have a high illiteracy rate or comparatively little knowledge of nutrition. In those cases, where the nutrient declaration is not available, the countries may include a FOPNL according to their national public health policies in accordance with CXG 2 - 1985 ".

38. One member organization pointed out that this point should be deleted from the list of general principles because it is already covered under 'Scope' as proposed in the draft guidelines, and it is not a principle as such to guide the development of a FOP scheme.

Principle 4: Should be accompanied by consumer education programs to increase consumer understanding and use

39. The great majority of the members agreed to support this principle and that regardless of the FOPNL system chosen; it must necessarily be accompanied by consumer education programs to encourage its understanding and use.

40. One member mentioned that it is important that the FOPNL must be simple enough to understand and use it without the need for sustained investments in educational campaigns, also noted that awareness is the first step to promote consumer acceptance once the FOPNL is implemented and that it is essential for consumers to support the approach and understand why it is being implemented. From there, the interest in learning more about the system and how to use it is covered by education.

Principle 5: Should be displayed on the front or principal panel of the food package or positioned so that it is clearly visible at the point of purchase without the need to pick up the food package

41. There is a general understanding of the intent of this principle related to the facilitation of consumer reading of information, however, some members pointed out that the placement of food at the point of sale could vary because visibility could depend on the positioning of the food on the shelf, and moreover, the current Guidelines do not mention anything about it.

42. Other members mentioned that this principle should be more general and that stating that it should be clearly visible in the main panel or on the most visible part of the front-of-pack/principal panel is sufficient.

43. Some members noted that there should be some flexibility and it should be possible to use other ways (e.g. digital media, website, shelf-tags…).

44. One member organization mentioned that it is not a principle as such to guide the development of a FOP scheme, hence, this point should be deleted from the list of general principles.

45. Some observers stated that this principle is problematic as it is impossible to ensure its compliance given that food manufacturers do not control how a product is displayed in store. Therefore, this principle is difficult to implement and enforce consistently.

Principle 6: Should align with evidence based national dietary guidance

46. Some members noted that this principle is already addressed in the definition, and could be deleted.

47. Other members stated that taking in account that not all countries currently have national dietary guidelines the system could be aligned to nutritional food policy or supported with regional or global dietary guidelines, such as those designed by WHO.

Principle 7: Should be underpinned by objective measures of nutrients of global importance

48. Some members mentioned that "nutrients of global importance" are not defined and that they can be "negative" and "positive", so that it could depend on the country's food policies and guidelines.

49. Some members mention that it is unclear what kind of objective measures are proposed here and if FOPNL are intended to impact health objectives, it would be important for any objective measures to be set on the basis of the best available health evidence.

50. One member noted that this principle is critical to maintaining a level of global consistency and that this principle will require global agreement on what the “nutrients of global importance” are and therefore which nutrients countries must include in a FOPNL system. Levels of these “nutrients of global importance” which are considered “high” and “low” should be agreed by Codex so that all FOPNL use the same underpinning criteria. In addition, it is important that CCFL progress work on requesting CCNFSDU develop criteria for “high in” nutrients of global importance to support the FOPNL work.

51. One member noted that this principle is outside the scope of this work and the intent of this document is not to create one system of FOPNL to be used worldwide. In addition, local and regional stakeholders are in the best position to determine which nutrients are of concern for their population and which FOPNL approaches will be most successful in achieving their public health priorities. While nutrients of global importance may be considered when developing a system, it should not be a principle underpinning this document. Furthermore, the “Purpose” section of this document refers to “the country of implementation,” which is contradictory to this statement.

Principle 8: Should [allow /facilitate] consumers to make meaningful comparisons [within categories /between categories]

52. The members of the EWG had the following points of view:

53. Most members supported that it is very important that FOPNL systems should facilitate consumers to make meaningful comparison between products within the same categories as well as between categories and it does may support healthier food choices consistent with national dietary guidelines.

54. One member noted that FOPNL should be able to be applied in such a consistent way that attributes of a product in one category could be compared to those in another category in support of constructing diets consistent with dietary guidelines.

55. Another member noted that some FOPNL systems apply category-specific criteria, whereas others apply across-the-board criteria. Each approach has strengths and limitations. In the case of across-the-board criteria that underpin a “high in” approach, it is not always possible or appropriate to provide meaningful comparisons within food categories through an FOPNL and other information may be needed to distinguish between products.

56. It was also noted that a FOPNL aim should be to increase the consumer's understanding of the nutritional value of the food in their diet and not comparing products.

Principle 9: Should be government lead but developed in [collaboration/consultation] with all interested parties including industry, consumers, academia, and public health.

57. Many members agreed that the FOPNL systems should be developed in transparent way, as this would allow other parties to access the rationale and objectives of each model and to compare it with Codex guidance.

58. One member noted that in countries where FOPNL is voluntary, the government may not have developed a system, and systems developed by the private sector may be in use, and Codex could be useful in any scenario of FOPNL system development, whether the work to develop national FOPNL systems are industry-led or government-led.

59. Another member stated that the regulatory approach that should be followed by each country is beyond the scope of this document.

Principle 10: Should be monitored and evaluated to determine effectiveness/impact

60. There was consensus on this principle. EWG members believe that monitoring and evaluation of FOPNL is critical to ensuring effectiveness of the labelling and to allow for improvement of the system. It was also stated that it is extremely important to have evidence that the system does help increase consumer understanding and thus enable making healthier food choices.

Principle 11: Should be implemented in a way that maximizes uptake of the label on foods

61. Many members stated that it is not clear if the intention of this principle refers to understanding and use by consumers or the amount of labels of foods which have FOPNL on them. Other members noted that this principle could be interpreted to imply that FOPNL systems should be mandatory which would be the only way to truly "maximize uptake". These members stated that; decisions on whether systems should be voluntary or mandatory are better left to national authorities which are in the best position to determine how to implement FOPNL systems. Therefore, this general principle as drafted is outside the scope of this work. Most members support that a clarification of this principle is required.

Principle 12: Should be calculated and applied to the food 'as sold' with minimal exceptions

62. Several members noted that the FOPNL should be calculated and applied to foods in a consistent manner with the corresponding nutrition information for that food, so that for some cases it will be necessary to take into account the way in which the food is prepared (rehydrated, reconstituted, etc.). One member suggested deleting this principle, because it considers that this issue is not addressed for the nutrient declaration in the *Guidelines for Nutrition Labelling.* Other members noted the challenges experienced with this element of FOPNL and recommended further discussion in plenary.

(v) Other aspects to consider in the development of FOPNL systems

63. Members of the EWG had different points of view on the approach that has been given to this section, which is why further discussion of this text in the CCFL is necessary.

64. Most members consider that it is important that there is some flexibility at the local level that allows countries to adapt their systems and align with the national health and nutrition policy of the country of implementation, provided there is recognition among systems that comply with the principles of Codex to encourage harmonization and consistency globally.

65. Some members suggested removing section 5 and are of the opinion that there should be first an agreement on the principles themselves before deciding if additional elements would be needed.

66. One member noted that it is envisaged all the systems developed should be consistent (with regard to core nutrients used, levels used for thresholds where applicable) and would be implemented with consumer education, monitored and evaluated for effectiveness despite potentially looking different.

67. One observer noted that the main task is to promote harmonized principles and find the best approach to address barriers to trade, therefore they did not support total flexibility of the system but supported alignment with country specific dietary guidelines

68. Taking into account feedback from the EWG members, section 5 has been rethought with the aim of providing a more general and broader approach in order to move forward with this work.

(vi) Placement of the guidelines

69. There was an almost general consensus that these guidelines should be part of *Guidelines for Nutrition Labelling* (CXG 2-1985). However, several members consider that the guidelines should be incorporated as

an annex while other members consider that the guidelines should be part of section 5 'supplementary nutrition information'. Both points of view argue that the existing *Guidelines on Nutrition Labelling* (CXG 2-1985) provide limited guidance on the provision of 'supplementary nutrition information' in section 5. On the other hand, some members felt that these guidelines should be an independent document to give greater support to the document.

(vii) Final considerations on the discussion of the EWG

70. The members of the EWG were invited to identify the benefits and/or problems that could arise from the proposed principles. Members were also asked about their opinion on how Codex could address these principles to support harmonization and better support its mandate to support public health and fair trade in the case that each country demands a different system that is consistent with the principles of FOPNL.

71. The main considerations of this discussion are summarized below.

Benefits and/or problems from the proposed principles

72. Most members agreed that consistent use of these principles across all FOPNL systems internationally should be a key objective of these guidelines and that this would facilitate harmonization and recognition between countries. However, given that the objectives and outcomes may be different depending on country needs and its legislative and regulatory framework, a level of flexibility in application of the principles is desirable and appropriate.

73. Among the benefits mentioned, several members mentioned that countries can implement systems, including supporting education programmes, that consumers can really understand and that will benefit their health. As a result of a more globally harmonized approach, consumers can read and understand more consistently the nutritional information in FOPNL when traveling from one country to another.

74. Some members noted that it is possible to have more than one FOPNL system in a county/region. Such systems can have different focus and scope and they might function side by side. Also, they may focus on different consumer groups with different needs.

75. Other member noted that countries may not have the necessary resources to conduct robust research with consumers to support the development or evaluation of their systems, so it is possible to take advantage of the global evidence generated in order to avoid the need for extensive research to be undertaken by each country wishing to introduce FOPNL. Some members also argued that there is evidence that some systems that require a certain level of nutritional literacy are not an effective FOPNL, since they are generally not understood by all consumers. It may also be useful to acknowledge the role of international organizations such as WHO in assisting countries to develop FOPNL.

Harmonization

76. Some members consider that full harmonization will be difficult to obtain in the current context, but should remain one of the main objectives, for the benefit of consumers and the prevention of a barrier to trade. If there is only one system in the country, the consumer education would be easier, their understanding would be better and consequently the FOPNL should have a greater impact.

77. Other members stressed that to better support the Codex mandate to support public health and fair practices in trade, in addition to the development of principles for FOPNL, Codex would contribute to that mandate through the development of nutrient profiling. JEMNU scientific advice (Joint FAO / WHO expert meetings on nutrition) could be used.

78. One member suggested that Codex could support harmonization by encouraging countries to learn from examples of effective FOPNL systems that are acheiveing their desired health objectives. Rather than seeking to 'reinvent the wheel' in each country, there is much that jurisdictions can learn from international best-practice. Also, one member argued that Codex could support the development of further benchmarking criteria for foods such as 'high in' or other nutrient profiling systems that could be adapted for use in FOPNL. If used as a marker in multiple jurisdictions, such thresholds are likely to provide a strong incentive for global reformulation.

Support public health and fair trade

79. Some members argued that further work might be needed to help develop approaches for the basis of nutrient thresholds to help countries harmonize approaches as much as possible, particularly where regions have common reference values.

80. One member commented that one way in which Codex can support its mandate of supporting public health and fair trade (particularly if countries implement different FOPNL systems) is to ensure the underlying principles in these guidelines are very clear, particularly with regard to nutrients to be included. This will help

ensure the underpinning algorithms are as similar as possible, therefore the underlying nutrition messages will be as similar as possible even if the presentation is different for different countries.

81. Another member suggested that Codex Alimentarius could work together with FAO and WHO to create a repository of scientific evidence about the effectiveness of different FOPNL as well as of regulatory studies about the implementation of these measures. This could assist in the future review of the guidelines and provide subsidies for national authorities to draw up their measures.

V. CONCLUSIONS AND RECOMENDATIONS

82. Having analyzed the submitted positions of EWG members, the Chair and co-Chair conclude that the EWG members agreed on many of the issues. There will need to be robust discussion in the plenary to progress the wording and application of the draft guidance.

83. At this stage the EWG has not had access to the *"WHO Guiding Principles and Framework Manual for Front-of-Pack Labelling for Promoting Healthy Diets".* It is important that Codex members and observers are able to consider the proposed Codex guidance alongside the WHO guiding principles to ensure relevance and coherence, and to avoid duplication of work.

84. The EWG recommends that the Committee:

a) Consider all sections of the proposed draft guidelines on Front-of-Pack Nutrition Labelling presented in Appendix I.

b) Review *Guidelines on Nutrition Labelling (CXG 2-1985)* to consider whether an amendment to section 5 'supplementary nutrition information' is required.

c) Consider the next steps to progress this work including consistency with the WHO Guiding Principles.

APPENDIX I

PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING

(for comments at Step 3 through CL 2019/14/OCS-FL)

1. PURPOSE:

Provide general guidance to assist in the development of front-of-pack nutrition labelling, as a tool to facilitate the consumer's choice of food consistent with the national health and nutrition policy of the country of implementation.

2. SCOPE:

2.1 These guidelines apply to front-of-pack nutrition labelling (FOPNL) to be used on pre-packaged foods[1] that include a nutrient declaration.[2]

2.2 Alcoholic beverages and certain foods for special dietary uses **[including infant formula, foods for infants and young children, sports foods or drinks]**, foods for special medical purposes are excluded[3].

2.3 Additionally, certain prepackaged foods may be exempted[3] from FOPNL such as[4]:

- foods with low nutritional significance in terms of both its composition and the quantities consumed: e.g. herbs, spices, plain tea and plain coffee to which no other ingredients have been added.
- foods in small units[5];

These guidelines can also be used as a guide in the case where simplified nutrition information is displayed near the food (e.g. shelf-tags or food service), for unpackaged foods or for foods sold via online (e.g. information available at point of purchase on websites)

3. DEFINITION OF FRONT-OF-PACK NUTRITION LABELLING (FOPNL)

For the purposes of these guidelines:

3.1. *Front-of-pack nutrition labelling (FOPNL)* is any system that presents simplified nutrition information on the front-of-pack[6] of pre-packaged foods.[7] It can include symbols/graphics, text or a combination thereof, that provide information on the overall nutritional value of the food and/ or on the nutrients to be included in FOPNL as described in these guidelines.

3.2. This definition excludes:

i. Nutrition claims;

ii. Health claims;

iii. Allergenic labelling; and

iv. The quantitative declaration of ingredients.

4. GENERAL PRINCIPLES

An FOPNL should be based on the following general principles in addition to the general principles in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985):

4.1. Only one FOPNL system should be recommended in each country or region. However, in case of coexisting a FOPNL system with other systems, these should not be contradictory to each other.

4.2. FOPNL should present information in a way that is easy to understand by **[a wide variety of]** consumers in the country of implementation. The format of the FOPNL should be informed by scientifically valid consumer research.

4.3. FOPNL should only be provided in addition to, and not in place of, the nutrient declaration.

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[1] As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).
[2] As defined in the *Guidelines on Nutrition Labelling (CXG 2-1985)*.
[3] Exclusions are foods that must not have FOPNL. Exemptions are where the food does not have to have FOPNL, but if it does, it does not affect its application.
[4] This list is indicative.
[5] *Section 6 of the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) refers to 'small units' as where the surface area is less than 10cm^2*
[6] *Front-of-pack* means the total area of the surface (or surfaces) that is displayed or visible under customary conditions of sale or use.
[7] As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

4.4. FOPNL should be accompanied by a consumer awareness and education/ information program to increase consumer understanding and use.

4.5. FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use **[without the need to pick up the food package]**.

4.6. FOPNL should align with evidence-based national **[dietary guidance / health and nutrition policies]**.

4.7. FOPNL should be underpinned by objective measures of **[nutrients of global importance]** as supported by sound scientific valid evidence.

4.8. FOPNL should allow consumers to make comparisons **[within categories and/or between categories]**.

4.9. FOPNL should be **[government lead but]** developed in collaboration with all interested parties including **[government]**, private sector, consumers, academia, public health associations among others.

4.10. Should be monitored and evaluated to determine effectiveness/impact.

4.11. Should be implemented in a way that encourages use on food labels.

4.12. Should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food such that it represents the nature of the food **[as consumed / as sold with minimal exceptions]**.

5. OTHER ASPECTS TO CONSIDER IN THE DEVELOPMENT OF FOPNL SYSTEMS

While the purpose, scope and principles for FOPNL aim to provide a high level of global consistency in approach to FOPNL, there remains a need for flexibility in order to tailor a FOPNL system to the needs of the specific population/s in the country or region of implementation.

Therefore, there are a number of other aspects to consider in the development and implementation of a FOPNL system. Many of these may be decided at national level to meet specific requirements of consumers in individual countries. Many of the considerations for national authorities relate to the implementation of the scope and global principles at the national level.

Some considerations for national authorities could include the following:

5.1. Selection/Development of the FOPNL System

- The system must meet the global principles for a FOPNL, but the exact form of the system should be informed by local research.
- To consider whether the FOPNL should provide a summary indication of the nutritional quality of the whole food or information on separate nutrients.

5.2. Implementation of the FOPNL System

- Consideration whether there are additional foods that are not be intended to have FOPNL such as:
    - Foods with minimal nutritional value
    - Foods where a nutrient declaration is not needed
    - Foods in small packages or with other packaging limitations
- Consideration may also be given at national level to potential application of a FOPNL system more broadly than pre-packaged foods. Competent authorities may also wish to consider whether FOPNL be extended to include:
    - Unpackaged foods
    - Food sold via online sales (e.g. information available at point of purchase on websites)
    - Point of purchase information not on the label (e.g. shelf signposting)
    - Food sold or otherwise provided in food service institutions such as schools or hospitals
- Consideration of the need for supporting guidance documents such as style guides, calculators etc.
- Consideration will need to be given as to how to maximise uptake including whether the FOPNL should be voluntary or mandatory, including consideration of trade impacts particularly for mandatory implementation.

- Key stakeholders to be involved in the developing guidance documents (important to have end users involved in the development of the guidance).
- What governance and oversight will be required to develop and implement the system.
- How will compliance with the system be managed particularly if voluntary.

5.3. Presentation of the Information

- Consumer research in the target population should underpin decisions regarding the best for of presentation of information in the FOPNL.
- Consumer understanding and use of the FOPNL used should be monitored at baseline and after implementation.
- Consider if there are occasions when the top or other surface may be the appropriate place for the FOPNL. For example, when it is displayed in a horizontal freezer or in a container in which the consumer looks down.

5.4. Education Programmes

- Consumer research on the target/intended population should inform development of a consumer education programme
    - What is the best media to use?
    - What will make the message most likely to be seen and taken on board?
    - What do consumers need to know to use the FOPNL successfully?

5.5. Monitoring and Evaluation of the FOPL system

- Type of monitoring and evaluation possible to be undertaken.
- What baseline data is needed to measure impact of the FOPNL?
- Consideration should be given to monitoring:
    - Uptake of the label by industry
    - Consumer use of and understanding of the FOPNL
    - Composition of the food supply
    - Impact on nutrient intake of consumers
- How to balance continuous improvement without constant change.

APPENDIX II

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