

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Item 4b

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Forty-second Session

Virtual

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REVIEW OF THE STANDARD FOR FOLLOW-UP FORMULA:

Draft scope, description and labelling for drink/product for young children with added nutrients or drink for young children

Comments at in reply to CL 2021/03/OCS-NFSDU

Comments of Argentina, Australia, Brazil, Burkina Faso, Cambodia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, Honduras, Indonesia, Jamaica, Malaysia, Mali, Mexico, Nepal, Nigeria, New Zealand, Paraguay, Peru, Philippines, Syrian Arab Republic, Uganda, United Arab Emirates, United Kingdom, United States of America, Zambia and HKI, EFAD, ENCA, IBFAN, ISDI, UNICEF, World Federation of Public Health Associations

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2021/03/OCS-NFSDU issued in January 2021. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific sections.

Explanatory notes on the appendix

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

ANNEX I

GENERAL COMMENTS	Member / Observer
Australia appreciates the opportunity to provide comments and in general supports the draft text with the following comments.	Australia
<p>2.1.1</p> <p>Nigeria is proposing the deletion of the word 'may' and the addition of 's' to contribute such that the sentence reads 2.1.1 "Drink/Product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which contributes to the nutritional needs of young children]"</p>	Nigeria
<p>2.1.2 Cambodia notes that this was compromise text at the end of the discussion time on this agenda item but firmly believes there was insufficient discussion on this point of the text and further discussion is essential. Cambodia believes it is totally unacceptable to allow for a nutrient content claim to be included in the name of these products and therefore 'Drink/product for young children with added nutrients' should be removed. The justification is as follows:</p> <ul style="list-style-type: none"> • These products are breast-milk substitutes and are therefore not permitted to make any claims, this includes in the name of the product. • The WHA has made it clear on a number of occasions and in many resolutions that these products are both unnecessary and should not be permitted to make claims. WHA 69.9, that was unanimously agreed, states "...Recognizing that the Codex Alimentarius Commission is an intergovernmental body which is the principal organ of the joint FAO/WHO food standards programme and that it is the appropriate body for establishing international standards on food products, and that reviews of Codex standards and guidelines should give full consideration to WHO guidelines and recommendations, including the International Code of Marketing of Breast-milk Substitutes and relevant Health Assembly resolutions,..." Codex should therefore align with the WHA and no claims should be permitted on products that have globally been agreed as unnecessary. • Throughout the discussion on this standard the committee has been clear that these products should not be permitted to make nutrition and health claims. The very text of this document in section 9 (Labelling preamble) states "...the Guidelines for Use of Nutrition and Health Claims (CXG 23-1997) apply to the product as defined in Section 2.1. These requirements include a prohibition on the use of nutrition and health claims for foods for infants and young children except where specifically provided for in relevant Codex Standards or national legislation." This text emphasises the prohibition of claims referred to in CXG 23-1997 in order to make it clear and support the view of the committee that claims should not be permitted on these products. We do not believe it is the intention of the committee to allow for a nutrient content claim in the product name and highlights the rushed manner in which this text came to be. • Further, recent research by the Helen Keller International ARCH project, that was published in April 2021 in the journal Maternal and Child Nutrition under the title 'Sugar content and nutrient content claims of growing-up milks in Indonesia', found that: <ol style="list-style-type: none"> 1. Almost all (97%) growing-up milks contained one or more added sugars. 2. The median total sugar content was 7.3 g per 100 ml, similar to sugar content levels in sugar-sweetened beverages. 3. Almost three quarters (71%) had a high sugar content according to the UK FSA front-of-pack system and would be required to carry a warning. The research concluded that the sugar content of growing-up milks (follow-up formula for young children) is a serious concern, and these products are inappropriate for inclusion in the diets of young children. Considering the Codex explicit purpose 'to protect consumer health', allowing these products (for one of the most vulnerable age groups) to include a nutrition claim in their name would not only go against its principles but with the evidence as to their unsuitability for young children, it would be 	Cambodia

<p>irresponsible to permit a name that includes a nutrient content claim that would mislead consumers (mothers/caregivers) to believe the product offers some nutrition/health benefit. This is further compounded by the fact that globally these products are considered unnecessary.</p> <ul style="list-style-type: none"> The argument presented at the last meeting that adding 'with added nutrients' instead of simply describing these products as 'drink for young children' is needed in order to provide the consumer with additional information is not logical, as the product could then equally be described as 'drink with added sweeteners for young children' or 'sweetened drink for young children'. This product is simply a drink for young children as is any other drink for young children such as cow's milk or tea. The only reason a standard is being developed for these products is because they exist on the market and so a standard has become necessary. 	
<p>The Philippines expresses its support to the rest of the texts of Section B of the Proposed Draft Revised Standard for Follow Up Formula with some comments in conformance with the previous Philippine Positions on the review of the Revised Standard for Follow-Up Formula (CXS 156-1987)</p> <p>Section 2.1.1</p> <p>Consistent with previous Philippine Positions, we reiterate the inclusion of relevant recommendations made in the International Code of Marketing Breast-milk Substitute (1981) and the Global Strategy of Infant and Young Child Feeding, WHO guidelines and policies as well as relevant World Health Assembly (WHA) resolutions in Sections A and B of the Proposed Draft Revised Standard for Follow Up Formula and Product with Added Nutrients/Product for Young Children to protect the practice of breastfeeding under Scope or in the Preamble. This issue was raised in the 43rd Session of the Codex Alimentarius Commission and no less than the Chair of the Codex Committee and Nutrition and Foods for Special Dietary Uses committed to open the discussion on addition of such resolutions in the coming Codex Committee on Nutrition and Foods for Special Dietary Uses Session. We are of the opinion that the Committee should take into account including such resolutions as these have been supported by member states to provide guidance to countries in this context.</p>	Philippines
<p>Indonesia wishes to thank New Zealand for leading eWG on Review of The Standard for Follow-Up Formula. Following Indonesia's comment on section 2.1.1 of Section B: Drink/Product for Young Children with Added Nutrients or Drink for Young Children, Indonesia would like to provide comments on section 9.1.4 and section 9.3.</p>	Indonesia
<p>Brazil appreciates the excellent work done by New Zealand, France and Indonesia and thanks for the opportunity to present the following comments below.</p>	Brazil
<p>New Zealand maintains that it is important that the definition includes the role of the product in the diet, adequately describes these products and differentiates them from other drinks for young children.</p> <p>New Zealand is of the view that the role of the product in the diet is as per the three principles CCNFSDU38 agreed to to help guide the mandatory composition of these products including; contribution to the nutritional needs of young children where the nutrient is widely inadequate; and contribution of adequate amounts of key nutrients from milk, and if appropriate breast milk, where such nutrients are key contributors to the diet of young children.</p> <p>New Zealand considers the text in square brackets "which may contribute to the nutritional needs of young children" reflects these principles and therefore the role and purpose of the product.</p> <p>New Zealand therefore supports the deletion of the square brackets in Section 2.1.1 and retaining the text "which may contribute to the nutritional needs of young children" as part of the definition.</p> <p>Additionally in relation to Section 2.1.1, New Zealand is of the view that given the decision at CCNFSDU41 to include both "drink" and "product" for one of the two name options, both should also be included in the second name option: Drink/product for young children.</p> <p>New Zealand thus supports the following text for Section 2.1.1:</p> <p>Drink/product for young children with added nutrients or Drink/product for young children means a product manufactured for use</p>	New Zealand

<p>as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children]1 1 In some countries these products are regulated as breast-milk substitutes.</p> <p>New Zealand maintains that it is important that the definition includes the role of the product in the diet, adequately describes these products and differentiates them from other drinks for young children.</p> <p>New Zealand is of the view that the role of the product in the diet is as per the three principles CCNFSDU38 agreed to to help guide the mandatory composition of these products including; contribution to the nutritional needs of young children where the nutrient is widely inadequate; and contribution of adequate amounts of key nutrients from milk, and if appropriate breast milk, where such nutrients are key contributors to the diet of young children.</p> <p>New Zealand considers the text in square brackets “which may contribute to the nutritional needs of young children” reflects these principles and therefore the role and purpose of the product.</p> <p>New Zealand therefore supports the deletion of the square brackets in Section 2.1.1 and retaining the text “which may contribute to the nutritional needs of young children” as part of the definition.</p> <p>Additionally in relation to Section 2.1.1, New Zealand is of the view that given the decision at CCNFSDU41 to include both “drink” and “product” for one of the two name options, both should also be included in the second name option: Drink/product for young children.</p> <p>New Zealand thus supports the following text for Section 2.1.1: Drink/product for young children with added nutrients or Drink/product for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children]1 1 In some countries these products are regulated as breast-milk substitutes.</p>	
<p>Ecuador appreciates the work done, and in connection with the document “Draft Revision of the Standard for Follow-Up Formula (CXS 156-1987) Section B: Drink/Product for Young Children with Added Nutrients or Drink for Young Children”, makes the following comments:</p> <p>With respect to the following paragraphs: Consider that the eWG chaired by New Zealand was entrusted to finalise the definition of Section 2.1.1; the report of this eWG will be made available later in order to collect observations and for examination by the CCNFSDU. Consider that the eWG chaired by New Zealand was entrusted to finalise the definition (Section 2.1.1). All the additional observations on this section will be made available to the eWG for subsequent examination. If you are a member of the eWG and you have already submitted observations regarding this section, you do not need to do so again unless you would like to submit additional observations.</p> <p>We suggest deleting the text referring to the eWG chaired by New Zealand, since it is repeated. Ecuador has no further suggestions to amend the text, in addition to those submitted in March of this year.</p>	<p>Ecuador</p>
<p>We request that the following wording be considered for 2.1.1 2.1.1 Drink/product for young children with added nutrients or drink for young children means a breastmilk substitute especially manufactured to partially meet the nutritional needs of young children.</p> <p>JUSTIFICATION: The principles that were agreed upon for establishing the nutritional composition of the product in question are the main conflict for establishing its name and definition. Therefore, these proposed regulatory elements encompass these principles in a partial manner; they cannot be fully integrated</p>	<p>Mexico</p>

<p>because they are inconsistent.</p> <p>The text “product manufactured for use as a liquid part of the diversified diet of young children” applies to any liquid option (milk, soy protein drink, juices, nectars, etc.) that can be integrated into the diet of young children.</p> <p>The text between square brackets “which may contribute to the nutritional needs of young children.1” is a characteristic that applies to any solid or liquid food in the diet of young children, since the nutrients that are of crucial importance for the growth and development of young children can be provided through food or regular food supplements.</p> <p>Consequently, the definition in 2.1.1 does not describe the particular characteristics of the product in question.</p> <p>In this regard, the characteristic that determines the particularity of the product is its use as a “breastmilk substitute”.</p> <p>Based on the duration of breastfeeding recommended by the World Health Organisation, the product in question is a breastmilk substitute, by virtue of partially or fully replacing breastmilk from one year of age (even though it does not have the same composition as breastmilk), as classified in the World Health Organisation’s Guidance on Ending the Inappropriate Promotion of Foods to Infants and Young Children.</p> <p>For these reasons, it is considered unacceptable for such a condition to be left to the discretion of countries, and even more so, for certain labelling requirements to depend on such a condition.</p> <p>Notwithstanding the above, it is also mentioned that the product in question does not play a unique role in providing critical nutrients; therefore, it cannot be considered necessary in order to meet the requirements of young children compared with other foods that can be included in the normal diet of young children, such as breastmilk, infant formula and cow’s milk or the milk of other animals.</p>	
<p>Paraguay appreciates the opportunity to comment on section 2.1.1.</p> <p>In this regard, we believe that the text between square brackets should be deleted, as it is an opinion and not a guideline on the food. It could also be misleading as to the true purpose of the food.</p>	Paraguay
<p>In section 9.6.5, we propose to amend the text as follows: “The labelling of the product as defined in Section 2.1 shall not refer to infant formula, follow-up formula for older infants, and formula for special medical purposes intended for infants, including numbers, texts or images of the containers of these products”.</p> <p>(i) Specific comments: in the Spanish wording of section 2.1.2, change the word “putrefacción” to “descomposición” (spoilage); in section 9.1.2, add in the second part “drink/product for young children”; in section 9.1.3 a), b) and c), add in the second part “drink/product for young children”; in section 9.3 Declaration of nutritive value, we accept the text between square brackets [as well as]; in section 9.5.2, the following text is proposed: Adequate instructions for the preparation and appropriate use [...] shall be provided on the label. In section 9.6.1 of the text in Spanish, the word “maternalizado” should be corrected to “maternizado”.</p>	Peru
<p>Overall, the UK agree with the proposed text for the scope, description and labelling sections for the standards for follow-up formula for young children, which have been drafted based on the amendments agreed at CCNFSDU 41. The UK are of the view that the proposed wording of the standards does not discourage breastfeeding which was one of the main concerns raised at meeting 41 of CCNFSDU. The UK are in favour of further clarification regarding section 9.6.5 and would support the EWG to further consider the phrasing used in this section.</p>	United Kingdom
<p>Cuba appreciates the opportunity to provide its comments on Circular Letter No. 3-2021 on the Draft Revision of the Standard for Follow-Up Formula CXS 156-1987. These comments are as follows:</p> <p>Section 9:</p> <p>The current wording and our considerations are set out below:</p> <p>9.LABELLING</p>	Cuba

<p>The requirements of the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985), the Guidelines on Nutrition Labelling (CXG 2-1985) and the Guidelines for the Use of Nutrition and Health Claims (CXG 23-1997) apply to the product as defined in Section 2.1. These requirements include a prohibition on nutrition and health claims for foods for infants and young children except where specifically provided for in relevant Codex standards or national legislation.</p> <p>Considerations: In these products it is very important to differentiate the labelling to make sure that they are not confused with preparations for medicinal purposes intended for these age groups. Compliance with the International Code of Marketing of Breast-Milk Substitutes and/or national standards is necessary. We agree with the other sub-sections 9.1 to 9.6.</p>	
<p>IBFAN considers that the text is NOT ready for adoption for the following reasons:</p> <ul style="list-style-type: none"> • The lack of adequate safeguards to prevent inappropriate marketing of these products will lead to increase their needless use around the world as projected in business forecasts. WHO and other health authorities declare follow-on milks and toddler milks for young children “not necessary”. Continued breastfeeding is recommended to two years and beyond for optimal young child health, hence the use of these products, which function as breastmilk substitutes pose a risk to the health of young children during critical stages of growth and development. The current text will lead to children being fed inappropriate expensive products that do not meet their nutritional needs. • The current text fails to forbid the deceptive marketing strategy of cross promotion between product categories for drinks for young children, other formula and follow-up milks and products. The text in Section 9.6.4 forbids only references to infant formula. Current marketing practices demonstrate that this is an insufficient safeguard. The text should clearly state that marketing of Drinks for young children should not ‘ resemble’ infant formula, FSMPs and other drinks and foods marketed for infants and young children. • Drinks for young children are not necessary therefore it is critical that the ban on health and nutrition claims be mandatory. Claims will be deceptive and mislead parents and care givers into believing that the use of these products provide benefits that cannot be derived from breastmilk, animal milks, other drinks or complementary family foods. • Follow-on milks and drinks for young children must carry the warnings regarding intrinsic contamination for products in powdered form. <p>IBFAN maintains its original position that all four categories of products that FUNCTION as breastmilk substitutes - infant formulas, formulas for special medical purposes, follow-up formulas and drinks for young children - should be brought under one Codex standard that is divided into 4 parts with one overarching preamble. It would then be clear that all products are covered by the marketing restrictions outlined in the International Code and subsequent relevant WHA Resolutions, ie - none should be promoted in any way..</p> <p>IBFAN notes that the commonly used marketing strategy of cross-branding of products with infant formula through labelling and advertisements is a threat to breastfeeding and infant and child health. This marketing strategy is misleading and confusing and clearly designed to circumvent national regulations that cover the marketing of products for infants and young children. Cross branding on formulas and other feeding products for infants and young children over 6 months increases the risk of infants being fed with inappropriate products that do not meet their nutritional needs. <i>“The practice of cross-promotion of breast-milk substitutes must be curbed.”</i> (WHO/UNICEF INFORMATION NOTE - Cross-promotion of infant formula and toddler milks, WHO, 2018).</p>	<p>IBFAN</p>

<p>ENCA feels that the text is NOT ready for adoption because:</p> <ul style="list-style-type: none"> • There are no safeguards to prevent inappropriate marketing of these products, this will lead to increase the use of a product that is not needed in all countries as projected in business forecasts. WHO declares follow-on milks and toddler milks for young children “not necessary”. • Continued breastfeeding is recommended to two years and beyond for optimal young child health. Aggressive marketing of those products undermine continued breastfeeding and prevents countries from reaching the breastfeeding targets. • The use of these products, which function as breastmilk substitutes is a risk to the health of young children as they do not contain the important immune active substances found in breastmilk during the whole breastfeeding period • Deceptive marketing strategy of cross promotion between product categories for drinks for young children, other formula and follow-up milks and products are not forbidden in the current text. The text in Section 9.6.4 forbids only references to infant formula. This is an insufficient safeguard in the light of current marketing practices. The text should clearly state that Drinks for young children, infant formula, FSMPs and other drinks and foods marketed for infants and young children should not resemble each other in appearance nor be marketed together. • As drinks for young children are not necessary it is therefore critical that the ban on health and nutrition claims is mandatory. Claims are deceptive and mislead parents and care-givers into believing that the use of these products provide benefits that cannot be derived from breastmilk, animal milks, other drinks or complementary family foods. • Follow-on milks and drinks for young children must carry the warnings regarding intrinsic contamination for products in powdered form. • Drinks for young children - should be brought in this Codex standard under the International Code and subsequent relevant WHA Resolutions, as laid out in The International Code of Marketing of Breast-milk Substitutes, Frequently Asked Questions, 2017 Update https://apps.who.int/iris/bitstream/handle/10665/254911/WHO-NMH-NHD-17.1-eng.pdf?ua=1 And in a WHA resolution of 2016 On ending inappropriate promotion of foods for infants and young children (WHA 69.9) <p>THE WHO resolutions related to IYCF should be integrated into the standard</p>	<p>ENCA</p>
<p>Zambia has no objection to standard. The labelling requirements are in line with the provisions of the Food and Drugs Regulation of the Republic of Zambia</p>	<p>Zambia</p>
<p>SPECIFIC COMMENTS</p>	
<p>Comments/rationale</p>	
<p>Title</p>	
<p>Please see comment in relation to Section 9.1 The name of the product.</p>	<p>Australia</p>
<p>In general, we agree with the document at an overall level, and we support its continuation. We have no specific comments on sections other than 2.1.1. Notwithstanding the above, we take this opportunity to reiterate our view on the product definition: We have an observation in the Definition section, specifically regarding the text in brackets, which is as follows: 2.1.1 Drink/product for young children with added nutrients or drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children].[1]</p>	<p>Chile</p>

<p>We do not agree with keeping the phrase “which may contribute to the nutritional needs of young children” in the text. However, we believe that it is important to distinguish this product from other products used as beverages by this age group, and propose the following phrase, replacing the one currently in brackets: “which has been produced according to the compositional requirements laid down in this standard”.</p>	
<p>Uganda proposes to change the title of draft standard under revision; “Follow up formula as Breast milk substitutes” with a disclaimer that “this is not a replacement or substitute to Breast milk” Justification: To prevent misleading the general population that, these products are nutritious and can serve the purpose for break feeding.</p>	Uganda
<p>The text in Section B reflects the deliberations and text agreed during CCFSDU41. The United States urges that the text remaining in square brackets should continue to be a part of ongoing discussions and that changes to already agreed upon text should only be made to improve clarity and consistency with Codex labeling guidelines. Section 9.1.2 currently states: “The name of the product shall be “Drink/Product for Young Children with Added Nutrients” or “Drink for Young Children” as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage.” For the sake of clarity and consistency, the United States notes that there is an inconsistency between the first name option in Section 9.1.2 and the second name option in Section 9.1.2 which does not contain the optional term “Product”. The United States suggests that the second name option be edited to be “Drink/Product for Young Children”. The United States notes that the Committee has already agreed that in principle the name should be a “designation indicating the true nature of the product”. The United States’ position is that the name “Drink for Young Children” is insufficient to designate the true nature of the product as it fails to communicate that the product is protein-based and contains added micronutrients. Section 9.6.5 currently states: “The labelling of the product as defined in Section 2.1 shall not refer to infant formula, follow-up formula for older infants, or formula for special medical purposes intended for infants, including numbers, text, statements, or images of these products.” For the sake of clarity and to reflect the discussions of the last session of CCFSDU, the United States would like to suggest some minor editing to the text. The term “text” would already encompass “statements”. Therefore, the term “statements” is duplicative and we suggest deleting “statements”. “The labelling of the product as defined in Section 2.1 shall not refer to infant formula, follow-up formula for older infants, or formula for special medical purposes intended for infants, including numbers, text, [delete: statements,] or images of these products.”</p>	USA
<p>New Zealand is of the view that given the decision at CCFSDU41 to include both “drink” and “product” for one of the two name options, both should also be included in the second name option: Drink/Product for young children.</p>	New Zealand
<p>The term “with added nutrients” is a claim which gives parents and care givers the impression that the product has added nutritional value and may be a necessary nutritional requirement for young child growth. Such a product name is misleading and deceptive and bears an intrinsic nutrient content claim. The use of follow-up products has been declared “not necessary” by the World Health Organization and is not needed as a part of the diversified diet for young children. ENCA recommends that the name of the product should be “drink for young children”. This will protect parents and care givers from confusion and deception.</p>	ENCA
<p>The term “with added nutrients” is a claim which gives parents and care givers the impression that the product has added nutritional value and may be a necessary nutritional requirement for young child growth. Such a product name is misleading and</p>	IBFAN

deceptive and bears an intrinsic nutrient content claim. The use of follow-up products has been declared “not necessary” by the World Health Organization and is not needed as a part of the diversified diet for young children. IBFAN recommends that the name of the product should be “drink for young children”. This will eliminate confusion and deception for parents and care givers as to the use and lack of need for these products.	
1. SCOPE	
Brazil is aware that CCNFSDU agreed to discuss the text of the Preamble after finishing the other sections of the draft standard. However, we would like to highlight the importance of including explicitly in the text of the Preamble or in the Scope of Sections A and B of the standard the International Code of Marketing of Breast-milk Substitute (1981) and WHO and WHA guidelines and policies aiming to protect breastfeeding and to avoid misleading promotional practices. In that sense, Brazil strongly supports that the production, distribution, sale and use of follow-up formula for older infants and Drink/Product for young children should take into account the recommendations made in the International Code of Marketing of Breast-milk Substitute (1981) and the Global Strategy for Infant and Young Child Feeding as well as in The Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children (WHA 69.9).	Brazil
Burkina Faso believes that this text has been discussed and approved and is now ready for adoption.	Burkina Faso
The text has been discussed and approved and is now ready for adoption.	Mali
Nepal agrees on these texts of section 1.1, section 1.2, and section 1.3 for adoption.	Nepal
The text on SCOPE is ready for adoption	Nigeria
The UK does not have any comments on section 1. The UK is content with the proposed wording used on the scope of follow-up formula for young children.	United Kingdom
Only products that comply with the criteria laid down in the provisions of this Section of this Standard shall be presented as the product defined in Section 2.1. We consider that 1.3 is already included in points 1.1 and 1.2. Furthermore, the wording of point 1.3 is unclear.	Paraguay
Only products that comply with the criteria laid down in the provisions of this section of this Standard shall be presented as the product defined in Section 2.1 . SECTION 1.4 should be added: 1.4 The application of this section of the Standard shall conform to the recommendations made in the International Code of Marketing of Breast-milk Substitutes (1981), relevant WHO guidelines and policies as well as relevant World Health Assembly (WHA) resolutions, including the WHA resolution 69.9 (2016) and its accompanying WHO Guidance on Ending the Inappropriate Marketing of Foods for Infants and Young Children, the Global Strategy for Infant and Young Child Feeding and World Health Assembly resolution WHA54.2 (2001).	ENCA
SCOPE 1.1 This section of the Standard applies to DRINK FOR YOUNG CHILDREN as defined in Section 2.1, in liquid or powdered form. 1.2 This section of the Standard contains compositional, quality, safety, use, labelling and analytical and sampling requirements for DRINK FOR YOUNG CHILDREN.	IBFAN

<p>1.3 Only products that comply with the criteria laid down in the provisions of this section of this Standard shall be presented as DRINK FOR YOUNG CHILDREN.</p> <p>SECTION 1.4 should be added:</p> <p>1.4 The application of this section of the Standard shall conform to the recommendations made in the International Code of Marketing of Breast-milk Substitutes (1981), relevant WHO guidelines and policies as well as relevant World Health Assembly (WHA) resolutions, including the WHA resolution 69.9 (2016) and its accompanying WHO Guidance on Ending the Inappropriate Marketing of Foods for Infants and Young Children, the Global Strategy for Infant and Young Child Feeding and World Health Assembly resolution WHA54.2 (2001).</p>	
<p>Helen Keller International believes that this text has been discussed and agreed upon and is ready for adoption.</p>	<p>HKI</p>
<p>2. Description</p> <p>2.1 Product definition</p>	
<p>Uganda proposes to delete the words "Drink for young children" and include "fortified" in the brackets Add a new product description 2.1.3; The clause and underlying statements rephrased to read;</p> <p>2.1 Product Definition</p> <p>2.1.1 Drink/product for young children with added nutrients (fortified). means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children].</p> <p>2.1.2 Drink/product for young children with added nutrients (fortified) is so processed by physical means only and so packaged as to prevent spoilage and contamination under all normal conditions of handling, storage and distribution in the country where the product is sold.</p> <p>2.1.3 Drink/product for young children with added nutrients (fortified). excludes highly sweetened drinks/ products/ processed beverages with artificial flavours and colours or any artificial additives consumed by young children.</p> <p>Justification for 2.1.2 and 2.2.2; For clarity to standard users Justification for 2.1.3; To prevent consumption of high sugar products and artificially processed products that could lead to malnutrition cases like obesity in children.</p>	<p>Uganda</p>
<p>2.1.1</p>	
<p>2.1.1 Drink /product for young children with added nutrients means a product manufactured for use as a liquid part of the diversified diet of young children.</p>	<p>Egypt</p>
<p>Considering the linkages and impact between the definition and name for 'Drink/Product for young children with added nutrients' and 'Drink for young children'. i. may contribute to nutrient requirements of young children suggests that the "added nutrients" in the drink/product may supplement the diet if taken with a balanced, healthy diet.</p>	<p>Jamaica</p>

<p>ii. not to be used as a breast milk substitute, ensures that the product is clearly stated as not a substitute for breast milk which may contribute to the nutrient requirements of young children, but not to be used as a breast milk substitute.</p>	
<p>Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children] Footnote: In some countries these products are regulated as breast-milk substitutes</p> <p>The Philippines supports the definition Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children. We believe that the bracketed texts “which may contribute to the nutritional needs of young children” should be deleted since it is redundant as contribution to nutritional needs is already covered by the additional phrase and product description “with added nutrients”. We believe that the bracketed text may lead to inappropriate promotion of this product as having a health benefit, which would undermine breastfeeding and will not be consistent to the WHO guidance that breast milk is the most appropriate liquid part of a progressively diversified diet once complementary feeding has begun.¹ The Philippines reiterates the need for policy coherence between WHO and Codex and to ensure that this standard is in full conformity with all WHO policies, in particular with WHA Resolutions 63.23 and 69.9 and the Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children.² We believe that the purpose of this product is covered by the phrase “manufactured for use as a liquid part of the diversified diet of young children”. Furthermore, we believe that retention of the bracketed text “may contribute to the nutritional needs of young children” may cause a conflict later on with the name of the product. It was agreed during the 41st Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) session that one of the future works of the electronic working group (EWG) is to consider the linkages and impact between the definition and name of product.</p> <p>In the spirit of compromise during 41st CCNFSDU, we were amenable to the product description “with added nutrients” as this product has mandated composition as prescribed in this proposed standard of identity. However, we firmly believe that this product may not be essential to the diet of the child when a proper and balanced diet is being consumed.</p> <p>Drink for Young Children is too general or broad that it does not conform to the provision of the Codex General Standard for Labeling of Prepackaged Foods (CXS 1-1985) which states “The product name shall indicate the true nature of the food and normally be specific and not generic”. Drink/product for young Children with Added Nutrients as product name is more specific.</p> <p>The name option “Drink/Product for young children with added nutrients” is specific and not generic, as prescribed in Section 4.1.1 of the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) and is more neutral than the names “follow-up formula for young children” and “growing-up milk”. The provision allowing flexibility in naming the product is relevant in the Philippine context since the product is generally known and familiar with Filipino consumers as milk supplement.</p> <p>Consistent with previous Philippine Positions, we reiterate the retention of the footnote that in some countries these products are regulated as breast-milk substitutes as supported by the following justifications presented in the 41st Codex Committee on Nutrition and Foods for Special Dietary Uses:</p> <ol style="list-style-type: none"> a. the matter of function has to be considered and not only that of composition; b. the products are frequently marketed as breast milk substitutes and classified as breastmilk substitutes in national regulations, mainly in low and middle-income countries; c. WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children classifies these products as breast-milk substitutes. 	<p>Philippines</p>

<p>These comments are consistent with the submitted Philippine Position in 2020 electronic working group on Revision of the Codex Standard for Follow up Formula.</p> <p>REFERENCES:</p> <ol style="list-style-type: none"> 1. World Health Organization. "Follow-Up Formula in the Context of the International Code of Marketing of Breast-Milk Substitutes". Geneva, Switzerland. https://www.who.int/nutrition/follow-up_formula_eng.pdf Accessed: 17 March 2021 2. World Health Assembly Resolution 69/7 Add. 1 Maternal, infant and young child nutrition - Report by the Secretariat. Guidance on ending the inappropriate promotion of foods for infants and young children. Provisional agenda item 12.1. 13 May 2016. https://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_7Add1-en.pdf?ua=1 Accessed: 17 March 2021 	
<p>We agree.</p>	<p>Syrian Arab Republic</p>
<p>UAE is of the opinion that the definition should include a description of the intended role of the product in the diet, as is the case for the definition for infant formula and formulated complementary foods. Critical elements that should be present in the definition include the common name, the purpose and the intended sub-population for consumption of the product.</p> <p>UAE agrees with section 2.1.1 and supports retaining the text in square brackets to help differentiate these types of products from other beverages consumed by young children.</p> <p>2.1.1 Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children]¹</p> <p>Foot note 1: "In some countries these products are regulated as breast-milk substitutes"</p>	<p>United Arab Emirates</p>
<p>The United States' position is that the definition in Section 2.1.1 needs to be descriptive of the product, its use, and its composition. This is consistent with Section 4.1.1 of the General Standard for the Labelling of Prepackaged Foods (GSLPF) which states that: "The name shall indicate the true nature of the food and normally be specific and not generic." The definition should indicate the true nature of the product and be sufficiently descriptive such that it differentiates the product for young children from other products or drinks intended for young children, as well as the dietary role of the product. All drinks for young children can be part of a diversified diet regardless of composition or nutritional quality. The two attributes of Follow-up Formula for Young Children that differentiate the drink/product from other drinks/products for young children is that the product is protein-based and contains added micronutrients.</p> <p>We note that this Committee has established compositional requirements for this product, which includes both amount of protein and the mandatory addition of select micronutrients. The public health rationale for these requirements was based on sound data documenting the nutrients most often in shortfall for young children in this age group. These are nutrient dense products which while not always necessary, can help fill nutrient gaps when diversified diets are not sufficiently balanced, which can be common in young children. In addition, the Committee has set conditions which limit the addition of sugars and minimize the sweetness of these drinks.</p> <p>The United States' position is that the Committee should consider a more descriptive and appropriate definition which indicates the true nature of the product and captures the characteristics of the product based on its protein and micronutrient requirements. If the discussion around the product definition is not to be reopened, then the United States has the view that the text in square brackets in Section 2.1.1 (i.e., "which may contribute to the nutritional needs of young children") is necessary to differentiate this product from other products targeted to young children.</p>	<p>USA</p>

<p>Finally, for the two definitions contained in Section 2.1, the second option for the name of the product (i.e., Drink for young children) should be changed to “Drink/Product for young children” for consistency.</p>	
<p>Whereas an EWG has reached an agreement on the definition of the 2.1.1 by reviewing the outstanding text [which may contribute to the nutritional needs of young children], we are concerned it is still no clear enough that for those children who are growing at a healthy rate and who are consuming a healthy, balanced diet, these drinks are not necessary and whole cows milk remains appropriate for the majority of growing children aged 1-3 yrs. In addition, we believe it would be worth including "as recommended by the World Health Organization" to the end of that footnote 1. Perhaps with a reference to the International Code of Marketing of Breast Milk Substitutes</p>	<p>EFAD</p>
<p>2.1 Product Definition 2.1.1. The proposed text should be replaced with Para 59 of the Report (that received ‘considerable’ support): "Drink for Young Children means a product manufactured for use as a liquid part of the diversified diet of young children that functions as a substitute for either breastmilk or other milks and is not nutritionally adequate to meet the requirements of young children". The following footnote should be added: In many countries these products are regulated as breastmilk substitutes.</p>	<p>ENCA</p>
<p>The proposed text should be replaced with Para 59 of the Report (that received ‘considerable’ support): "Drink for Young Children means a product manufactured for use as a liquid part of the diversified diet of young children that functions as a substitute for either breastmilk or other milks and is not nutritionally adequate to meet the requirements of young children". The following footnote should be added: In many countries these products are regulated as breastmilk substitutes.</p>	<p>IBFAN</p>
<p>ISDI considers it is crucial CCFSDU42 retains the sentence [which may contribute to the nutritional needs of young children] in the Product definition, section 2.1.1, concerning the role of the product. ISDI considers the product can help address nutrition deficiencies when young children transition to a family-based diet. A clear ‘stand-alone’ definition will allow: <input type="checkbox"/> to clarify the meaning of the standard and fulfil the requirements established in the Codex Procedural Manual concerning the purpose of the definition; <input type="checkbox"/> to properly categorize the products for regulators and food business operators to ensure the correct application of the Standard; and <input type="checkbox"/> to differentiate it from other beverages. ISDI notes a precedent exists with the definition of Formulated Supplementary Foods for Older Infants and Young Children (CAC/GL 08-1991) that stipulate these foods “provide those nutrients which either are lacking or are present in insufficient quantities in the basic staple foods”. ISDI supports the countries raising the importance of the definition and of keeping the text in square brackets at CAC43, in response to the consultation paper (Follow-up formula eWG 2020) and the CL 2019/113-NFSDU. Specifically, ISDI agrees the text in the square brackets “helps differentiate these types of products from other beverages consumed by young children”. ISDI would like to specifically highlight this point considering that other beverages do not have mandated compositional requirements nor require nutrient addition. The definition needs to describe the intended role of the product so the rationale for these requirements is captured in the Standard. According to the rules related to the definition of products in commodity standard established in the Codex Procedural Manual (1), ISDI understands that definitions shall include a description of the intended role of the product in the diet of the target population. It shall describe the role that the product plays and the purpose it has been manufactured for. ISDI recalls that the definition (in any Codex Standard) shall inform the regulators</p>	<p>International Special Dietary Food Industries</p>

<p>and business operators about the application of the Standard to the product. This argument is supported in the Consultation Paper (Follow-up formula eWG 2020) which states: “The definition must therefore be considered in isolation and should be relevant regardless of what naming convention countries choose to use. Consideration must therefore be given to how product for young children (regardless of the name) should be described, and what elements should be included in the definition, noting that definition is a regulatory tool and is not required on the label.” ISDI looks forward to continuing the work on the proposed draft of the revised Standard that contributes to the health and well-being of older infants and young children while ensuring fair practice in food trade according to the Codex mandate.</p> <p>(1) Codex Procedural Manual, 27th edition, Section II – Elaboration of Codex Standards, Format for Codex Commodity Standards, p.56: “Description: This section should contain a definition of the product or products with an indication, where appropriate, of the raw materials from which it is derived and any necessary references to processes of manufacture. It may also include references to types and styles of product and to type of pack. There may also be additional definitions when these are required to clarify the meaning of the standard.”</p> <p>Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which-which] may contribute to the nutritional needs of young children]children.¹</p>	
<p>WFPFA is also concerned about added sugars in these products.</p> <p>Excess consumption of added sugars is linked with a wide range of diet-related diseases. In young children, consumption of these products contributes to the development of preferences for sweet foods, with potential lifelong implications.</p> <p>Recent research in a variety of settings, including Indonesia and Australia has highlighted the added sugar content of these products. To protect the health of children, Codex must align with global standards and WHO recommendations to limit sugars in these products.</p> <p>The World Federation of Public Health Associations strongly opposes the inclusion of “with added nutrients” at the end of “Drink/product for young children” and considers that it should be removed for the following reasons:</p> <ul style="list-style-type: none"> - This reference to added nutrients goes beyond a descriptor and amounts to idealization of the product. It is also a health or nutrition claim, which would go against World Health Assembly Resolutions prohibiting all such claims for breastmilk substitutes and foods for infants and young children. - The text implies that these products do fulfil or contribute to some nutritional need of the young child and may thus have a role to play as a part of healthy diets, which they do not. The World Health Assembly has declared these milks as “unnecessary” and noted that health claims should not be made about them. - The World Health Assembly’s Resolution 69.9, that was unanimously agreed, states “...Recognizing that the Codex Alimentarius Commission is an intergovernmental body which is the principal organ of the joint FAO/WHO food standards programme and that it is the appropriate body for establishing international standards on food products, and that reviews of Codex standards and guidelines should give full consideration to WHO guidelines and recommendations, including the International Code of Marketing of Breast-milk Substitutes and relevant Health Assembly resolutions,...’ Codex should therefore align with the WHA and no claims should be permitted on products that have globally been agreed as unnecessary. 	<p>World Federation of Public Health Associations</p>

<p>- The committee itself has been clear that these products should not be permitted to make nutrition and health claims, which is emphasized in section 9 of this document (Labelling preamble).</p>	
<p>2.1.2</p>	
<p>We consider that the term “putrefacción” in the Spanish text of the document should be replaced by the term “deterioro” or “alteración”, as this is the correct translation of “spoilage”.</p> <p>The drink/product for young children with added nutrients or the drink for young children is so processed by physical means only and so packaged as to prevent “putrefacción”[deterioro]/[alteración]” (spoilage) and contamination under all normal conditions of handling, storage and distribution in the country where the product is sold.</p>	<p>Argentina</p>
<p>Burkina Faso believes that there has not been sufficient discussion on this point of the text and that further discussion is essential. It is the opinion of Burkina Faso that there is very probably a nutrient content claim in the name of these products, and therefore "Drink/product for young children containing added nutrients" should be deleted.</p>	<p>Burkina Faso</p>
<p>Drink/product for young children with added nutrients or Drink for young children nutrients is so processed by physical means only and so packaged as to prevent spoilage and contamination under all normal conditions of handling, storage and distribution in the country where the product is sold.</p>	<p>Egypt</p>
<p>2.1.2 Mali notes that the text was a compromise, as the time for discussion on this item of the agenda was coming to an end. However, it strongly believes that there has not been sufficient discussion on this point of the text and that further discussion is essential.</p> <p>Mali believes it is totally unacceptable to permit the inclusion of a nutrient content claim in the name of these products, and therefore "Drink/product for young children containing added nutrients" should be deleted. It justifies its argument as follows:</p> <ul style="list-style-type: none"> • These products are substitutes for breast milk and are therefore not permitted to make claims, including in the name of the product. • The WHA has made it clear on several occasions and in numerous resolutions that these products are unnecessary and should not be permitted to make claims. According to Resolution WHA 69.9, which was passed unanimously, " ... Recognizing that the Codex Alimentarius Commission is an intergovernmental body which is the principal organ of the joint FAO/WHO food standards programme and that it is the appropriate body for establishing international standards on food products, and that reviews of Codex standards and guidelines should give full consideration to WHO guidelines and recommendations, including the International Code of Marketing of Breast-milk Substitutes and relevant Health Assembly resolutions,... " The Codex should therefore follow the recommendations of the WHA and not approve any claim on products that have been universally acknowledged as unnecessary. • Throughout the discussion on this standard, the Committee clearly indicated that these products should not be permitted to make nutrition and health claims. In Section 9 (Preamble on Labelling), the very text of this document states that " ... the Guidelines for the Use of Nutrition and Health Claims (CXG 23-1997) apply to the product as defined in Section 2.1. These requirements include a ban on the use of nutrition and health claims for food intended for infants and young children, unless expressly permitted by the relevant Codex standards or national legislation." This text emphasises the prohibition on claims provided for in CXG 23-1997, in order to clarify and support the Committee's view that claims should not be permitted on these 	<p>Mali</p>

<p>products. We do not believe that the Committee intended to approve a nutrient claim in the name of the product, and note the hasty manner in which this text was drafted.</p> <ul style="list-style-type: none"> In addition, a recent study by the ARCH/Helen Keller International project, published under the title "Sugar content and nutriment content claims of growing-milks in Indonesia" in the Maternal & Child Nutrition journal in April 2021, found that: <ul style="list-style-type: none"> Almost all (97%) growing-up milks contained one or more added sugars. Median total sugar content of growing-up milks is 7.3 g per 100 ml, comparable to sugar content levels in sugar-sweetened beverages. Nearly three quarters (71%) had a high sugar content according to the British FSA front-of-pack labelling scheme, and would be required to carry a warning. <p>This study concluded that the sugar content in growing-up milks (follow-up formula for young children) is a serious concern, and that these products cannot be included in the diets of young children. Bearing in mind that the express objective of the Codex is to "protect the health of consumers", allowing these products (for one of the most vulnerable age groups) to include a nutrition claim in their name would not only be contrary to its principles, but with the evidence of their unsuitability for young children, it would be irresponsible to allow a name that includes a nutrition claim, which would mislead consumers (mothers, caregivers) into believing that the product offers certain nutritional/health benefits. This is further compounded by the fact that these products are universally considered unnecessary.</p> <ul style="list-style-type: none"> The case made at the last meeting, which argued that adding "with added nutrients" instead of simply describing these products as a "drink for young children" was necessary in order to provide the consumer with additional information, is illogical because the product could equally have been described as a "drink with added sweeteners for young children" or a "sweetened drink for young children". This product is simply a drink for young children like any other drink for young children, such as dairy milk or tea. The sole reason for creating a standard for these products is that they exist on the market, and therefore a standard has become necessary. 	
<p>Nepal strongly opts for single name of the product, that is, drink for young children. Further, Nepal suggests to have both words 'drink' and 'product' for the name of the product which reads as 'drink/product for young children'. Nepal denies the name 'drink/product for young children with added nutrient'. Nepal reiterates that these products are identified as Breastmilk substitutes as per the national regulation. Furthermore, the claims such as added nutrients is also against the national regulation (being amended) which does not allow such claims. Nepal believes that these claims will promote the marketing and sales of breastmilk substitutes. Thus Nepal propose that the product should be named as "drink/product for young children".</p>	<p>Nepal</p>
<p>Nigeria recalls that time constraints did not permit for a thorough discussion on this agenda item at the last session of the CCNFSDU and appreciates this further opportunity to reiterate her comments on the agenda item which we believe requires further consideration.</p> <p>Rationale: The product name 'Drink/product for young children with added nutrients' with the inclusion of 'with added nutrients' is not appropriate and not acceptable because it is a nutrient content claim on a product which is a breast-milk substitute therefore not permitted to make any claims. The words 'with added nutrients' should be deleted from the product name as this constitutes a nutrient content claim and suggests or implies that the products are somewhat necessary to meet the nutritional needs of young children, which they are not. There are clear statements from the World Health Organization (WHO) that these products are not necessary; the name should therefore not give the impression that they are necessary for meeting the nutritional needs of young children. The product should be 'Drink/product for young children'.</p>	<p>Nigeria</p>

<p>New Zealand is of the view that given the decision at CCNFSDU41 to include both “drink” and “product” for one of the two name options, both should also be included in the second name option: Drink/Product for young children.</p> <p>Drink/product for young children with added nutrients or Drink-Drink/Product for young children is so processed by physical means only and so packaged as to prevent spoilage and contamination under all normal conditions of handling, storage and distribution in the country where the product is sold.</p>	New Zealand
<p>“Putrefacción” is a term not commonly used in Codex wording in Spanish; “descomposición” would be a better term for “spoilage”. In order to be consistent with other Codex wording, we suggest deleting the phrase “in the country where the product is sold”.</p> <p>The drink/product for young children with added nutrients or the drink for young children is so processed by physical means only and so packaged as to prevent “putrefacción”“descomposición” (spoilage) and contamination under all normal conditions of handling, storage and distribution in the country where the product is solddistribution.</p>	Paraguay
<p>The drink/product for young children with added nutrients or the drink for young children is so processed by physical means only and so packaged as to prevent putrefaccióndescomposición (spoilage) and contamination under all normal conditions of handling, storage and distribution in the country where the product is sold.</p>	Peru
<p>The text would read: Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children] [These products provide additional energy and nutrients to complement the family foods derived from the local diet when those nutrients are either lacking or are present in insufficient quantities.]¹ ¹ In some countries these products are regulated as breast-milk substitutes.</p>	United Arab Emirates
<p>The UK is content with the proposed wording of section 2.1.2 of the description of the processing requirements for follow-up formula for young children.</p>	United Kingdom
<p>2.1.2 DRINK FOR YOUNG CHILDREN is so processed by physical means only and so packaged as to prevent spoilage and contamination under all normal recommended conditions of handling, use, storage and distribution in the country where the product is sold.</p>	IBFAN
<p>UNICEF strongly opposes the inclusion of “with added nutrients” at the end of “Drink/product for young children” and considers that it should be removed for the following reasons:</p> <ul style="list-style-type: none"> • The reference to added nutrients goes beyond a descriptor and amounts to idealization of the product. It is also a health or nutrition claim, which would go against World Health Assembly Resolutions prohibiting all such claims for breastmilk substitutes and foods for infants and young children. • The text implies that these products do fulfil or contribute to some nutritional need of the young child and may thus have a role to play, which they do not. The World Health Assembly has declared these milks as “unnecessary” and noted that health claims should not be made about them. • WHA 69.9, that was unanimously agreed, states “...Recognizing that the Codex Alimentarius Commission is an intergovernmental body which is the principal organ of the joint FAO/WHO food standards programme and that it is the appropriate body for establishing international standards on food products, and that reviews of Codex standards and guidelines should give full consideration to WHO guidelines and recommendations, including the International Code of Marketing of Breast-milk Substitutes and relevant Health Assembly resolutions,...’ Codex should therefore align with the WHA and no claims should be permitted on products that have globally been agreed as unnecessary. 	UNICEF

<ul style="list-style-type: none"> • The committee itself has been clear that these products should not be permitted to make nutrition and health claims, which is emphasized in section 9 of this document (Labelling preamble). • UNICEF is also concerned by the added sugar content of these products, as consumption of sweet foods can cause a range of diet-related chronic disease and in young children contributes to a preference for such foods, with the potential to set lifelong taste preferences for sugar. • Recent research published in April 2021 in the journal Maternal and Child Nutrition under the title 'Sugar content and nutrient content claims of growing-up milks in Indonesia', found that: <ul style="list-style-type: none"> o Almost all (97%) growing-up milks contained one or more added sugars and had sugar content in excess of global recommendations, making them inappropriate for young children. o The median total sugar content was 7.3 g per 100 ml, similar to sugar content levels in sugar-sweetened beverages. o Almost three quarters (71%) had a high sugar content according to the UK FSA front-of-pack system and would be required to carry a warning. o Despite high sugar content, growing-up milks made extensive use of nutrient content claims on their labels. o Considering their inappropriately high sugar content, without a national front-of-pack labelling system to warn caregivers, many growing-up milks may appear to be nutritionally suitable for young children. • To protect young children, Codex must align with global standards in limiting added sugar and restricting total sugar content to these products. 	
<p>2.1.2 Helen Keller International notes that this was compromise text at the end of the discussion time on this agenda item but firmly believes there was insufficient discussion on this point of the text and further discussion is essential. Helen Keller believes it is totally unacceptable to allow for a nutrient content claim to be included in the name of these products and therefore 'Drink/product for young children with added nutrients' should be removed. The justification is as follows:</p> <ul style="list-style-type: none"> • These products are breast-milk substitutes and are therefore not permitted to make any claims, this includes in the name of the product. • The WHA has made it clear on a number of occasions and in many resolutions that these products are both unnecessary and should not be permitted to make claims. WHA 69.9, that was unanimously agreed, states "...Recognizing that the Codex Alimentarius Commission is an intergovernmental body which is the principal organ of the joint FAO/WHO food standards programme and that it is the appropriate body for establishing international standards on food products, and that reviews of Codex standards and guidelines should give full consideration to WHO guidelines and recommendations, including the International Code of Marketing of Breast-milk Substitutes and relevant Health Assembly resolutions,..." Codex should therefore align with the WHA and no claims should be permitted on products that have globally been agreed as unnecessary. • Throughout the discussion on this standard the committee has been clear that these products should not be permitted to make nutrition and health claims. The very text of this document in section 9 (Labelling preamble) states "...the Guidelines for Use of Nutrition and Health Claims (CXG 23-1997) apply to the product as defined in Section 2.1. These requirements include a prohibition on the use of nutrition and health claims for foods for infants and young children except where specifically provided for in relevant Codex Standards or national legislation." This text emphasises the prohibition of claims referred to in CXG 23-1997 in order to make it clear and support the view of the committee that claims should not be permitted on these products. We do not believe it is the intention of the committee to allow for a nutrient content claim in the product name and highlights the rushed manner in which this text came to be. • Further, recent research by the Helen Keller International ARCH project, that was published in April 2021 in the journal Maternal and Child Nutrition under the title 'Sugar content and nutrient content claims of growing-up milks in Indonesia', found that: <ol style="list-style-type: none"> 1. Almost all (97%) growing-up milks contained one or more added sugars. 	<p>HKI</p>

<p>2. The median total sugar content was 7.3 g per 100 ml, similar to sugar content levels in sugar-sweetened beverages.</p> <p>3. Almost three quarters (71%) had a high sugar content according to the UK FSA front-of-pack system and would be required to carry a warning.</p> <p>The research concluded that the sugar content of growing-up milks (follow-up formula for young children) is a serious concern, and these products are inappropriate for inclusion in the diets of young children. Considering the Codex explicit purpose 'to protect consumer health', allowing these products (for one of the most vulnerable age groups) to include a nutrition claim in their name would not only go against its principles but with the evidence as to their unsuitability for young children, it would be irresponsible to permit a name that includes a nutrient content claim that would mislead consumers (mothers/caregivers) to believe the product offers some nutrition/health benefit. This is further compounded by the fact that globally these products are considered unnecessary.</p> <ul style="list-style-type: none"> The argument presented at the last meeting that adding 'with added nutrients' instead of simply describing these products as 'drink for young children' is needed in order to provide the consumer with additional information is not logical, as the product could then equally be described as 'drink with added sweeteners for young children' or 'sweetened drink for young children'. This product is simply a drink for young children as is any other drink for young children such as cow's milk or tea. The only reason a standard is being developed for these products is because they exist on the market and so a standard has become necessary. 	
2.2.1	
Burkina Faso believes that this text has been discussed and approved and is now ready for adoption.	Burkina Faso
<p>2.2.1 The term young child means a person from 12 to 36 months of age.</p> <p><i>We propose adjusting the wording of the definition to ensure greater clarity: The term young child means a person from the age of more than 12 months<u>12 up to the age to 36 months</u> of three years (36 months)<u>age</u>.</i></p>	Colombia
Egypt agrees with this definition.	Egypt
Mali believes that this text has been discussed and approved and is now ready for adoption.	Mali
Nepal agrees on this text of section 2.2.1 for adoption.	Nepal
The text as presented is ready for adoption.	Nigeria
<p>In order to improve the wording:</p> <p>The term young child means a person from the age of more than 12 months up to the age of three years (36 months)<u>36 months (three years)</u>.</p>	Paraguay
The UK is content with the proposed wording of section 2.2.1 on the definition of young child used in the standards of follow-up formula for young children.	United Kingdom
Helen Keller International believes that this text has been discussed and agreed upon and is ready for adoption.	HKI
9. Labelling	
Although the Guidelines on Nutrition Labeling (CXG 2-1985) apply to these products, we believe it is important to mention that information on food allergens is mandatory, in the same way the prohibition of the use of nutritional and health claims is highlighted.	EFAD

<p>The requirements of the <i>General Standard for the Labelling of Pre-packaged Foods</i> (CXS 1-1985), the <i>Guidelines on Nutrition Labelling</i> (CXG 2-1985) and the <i>Guidelines for Use of Nutrition and Health Claims</i> (CXG 23-1997) apply to the product as defined in Section 2.1. These requirements include a prohibition on the use of nutrition and health claims for foods for infants and young children except where specifically provided for in relevant Codex Standards or national legislation.</p> <p>Important to keep the reference for the Guidelines for Use of Nutrition and Health Claims (CXG 23-1997) here in this text.</p>	ENCA
<p>We fully support the actual labelling requirements and submit proposals in red for further improvement</p> <p>The requirements of the <i>General Standard for the Labelling of Pre-packaged Foods</i> (CXS 1-1985), the <i>Guidelines on Nutrition Labelling</i> (CXG 2-1985) and the <i>Guidelines for Use of Nutrition and Health Claims</i> (CXG 23-1997) apply to DRINK FOR YOUNG CHILDREN in Section 2.1. These requirements include a prohibition on the use of nutrition and health claims for foods for infants and young children except where specifically provided for in relevant Codex Standards or national legislation.</p>	IBFAN
9.1 Name of product	
Burkina Faso believes that this text has been discussed and approved and is now ready for adoption.	Burkina Faso
Mali believes that this text has been discussed and approved and is now ready for adoption.	Mali
Nepal agrees to the text in section 9.1 for adoption.	Nepal
Nigeria is of the opinion that this text is ready for adoption	Nigeria
<p>In terms of the product name the UK considers the term “drink” to provide enough information to the consumer and is content with the proposed wording provided under section 9.1 on the name of product for the labelling of follow-up formula for young children. The UK notes that previously several countries and organisations such as UNICEF have been in favour of deleting the square brackets in section 9.1. The UK does not have a preference in relation to the inclusion or exclusion of the brackets. The UK agrees with the text for section 9.1 on the proposed labelling of follow-up formula for young children.</p>	United Kingdom
Helen Keller International believes that this text has been discussed and agreed upon and is ready for adoption.	HKI
9.1.1	
It is already stated in point 9	Paraguay
9.1.1- __The text of the label and all other information accompanying the product shall be written in the appropriate language(s).	
9.1.1 The text of the label and all other information accompanying the product shall be written in the appropriate language(s).	IBFAN
9.1.2	
<p>We consider it appropriate for “Name of the product” to include its presentation form (liquid or powdered, accordingly). Therefore, the following sentence should be added to the end of the paragraph: “indicating at the end its presentation form: “powdered” or “liquid” accordingly”.</p> <p>Justification: the name should give a clear idea of the product and its nature, as expressed in document CXS 1-1985, point 4.1.1: “The name shall indicate the true nature of the food and normally be specific and not generic.”</p>	Argentina

<p>9.1.2 The name of the product shall be “drink/product for young children with added nutrients” or “drink for young children”, as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage <u>usage, indicating at the end its presentation form: “powdered” or “liquid”, accordingly.</u></p>	
<p>Australia notes that in accordance with General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) the name of a food should be specific and not generic. We are unsure that "Drink for Young Children" is specific enough and therefore appropriate. We suggest including "Drink/Product" which is more consistent with the alternate name and better reflects the true nature of the food as a manufactured product.</p>	Australia
<p>9.1.2 The name of the product shall be ““Drink/Product for Young Children with Added Nutrients” or “Drink for Young Children” <u>“Nutrients”</u> as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage.</p>	Egypt
<p>Regarding the name of the product, Brazil agrees with the two options for the name of the product for young children (‘Drink/Product for young children with added nutrients’ and ‘Drink for young children’), with countries able to choose between these options. However, for consistency, Brazil suggests that the word “product” also applies to the name ‘Drink for young children’. Thus, the names would read: ‘Drink/product for young children with added nutrients’ or ‘Drink/product for young children’ throughout the text of the standard where the product name is mentioned.</p>	Brazil
<p>We propose including the word “product” in the second part of the text, taking into account the following aspects:</p> <ul style="list-style-type: none"> • According to the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985), the name must be specific and not generic. • “Drink” cannot be considered an appropriate term for certain countries (it means a liquid to be administered in order to relieve thirst). • Normally in Codex texts, it is a requirement for the name of the product to reflect the true nature of the food (CSX 1-1985, subsection 4.1.1). • “Drink for young children” is also presented in powdered form and therefore this presentation should be referred to as “product for young children”. <p>9.1.2 The name of the product shall be “drink/product for young children with added nutrients” or “drink” <u>“drink/product”</u> for young children”, as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage.</p>	Colombia
<p>In relation to the name proposal (9.1.2), Costa Rica proposes: “Drink/product for young children with added nutrients” or “Drink/product for young children”.</p> <p>Justification: CODEX GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CODEX STAN 1-1985), states in section 4.1.1 “The name shall indicate the true nature of the food and normally be specific and not generic”. In this sense, Costa Rica considers that the name “Drink” is not an appropriate name for certain countries (meaning a liquid to be administered in order to relieve thirst). Similarly, “Drink for young children” does not reflect the true nature of the product, as it is also presented in powdered form. Therefore, this presentation should be referred to as “product for young children”.</p> <p>9.1.2 The name of the product shall be “drink/product for young children with added nutrients” or <u>“drink for young children”</u>, as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage.</p>	Costa Rica

<p>Malaysia proposes to align the text used in Section 9.1.2 NAME OF THE PRODUCT for consistency by adding the word “product” to “drink for young children”.</p> <p>The names would then be read as: “Drink/product for young children with added nutrients” or “Drink/product for young children”.</p> <p>The rationale for this proposal are as follows:</p> <ul style="list-style-type: none"> • According to CODEX GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CODEX STAN 1-1985) the name should be specific and not generic. • “Drink” is not an appropriate denomination for certain countries (meaning it is a liquid to be given to relieve thirst). • It is normally a requirement in Codex texts that the name of the product reflects the true nature of the food. <p>9.1.2 The name of the product shall be ““Drink/Product for Young Children with Added Nutrients” or “Drink-“Drink/Product for Young Children” as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage.</p>	Malaysia
<p>New Zealand is of the view that given the decision at CCFNSDU41 to include both “drink” and “product” for one of the two name options, both should also be included in the second name option: Drink/Product for young children.</p> <p>9.1.2 The name of the product shall be ““Drink/Product for Young Children with Added Nutrients” or “Drink-“Drink/Product for Young Children” as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage.</p>	New Zealand
<p>Nigeria is of the opinion that the text is not ready for adoption</p> <p>Rationale: Please see comments in section 2.1.2 above on the name of the product which is also applicable here. Nigeria would like to point out that the second option ‘Drink for young children’ has not taken into account the fact that the product may not yet be a drink as packaged, that it may be a concentrated liquid product or powdered product which needs to be (reconstituted) into a drink. The product should be named ‘Drink/product for young children’. If this is accepted there will no longer be the need for the second option which would already be reflected in the name ‘Drink/product for young children’.</p>	Nigeria
<p>9.1.2 The name of the product shall be “drink/product for young children with added nutrients” or “drink-“drink/product for young children”, as defined in Section 2.1, or any appropriate designation that indicates the true nature of the product, in accordance with national or regional usage.</p>	Peru
<p>For consistency, we request that for section 9.1.2, NAME OF THE PRODUCT Drink/product for young children with added nutrients”, or “drink for young children” that the word “product” also applies to “drink for young children”. The product names would then read: “Drink/Product for Young Children with Added Nutrients” or “Drink/Product for Young Children. This recommendation is in conformity with the CODEX GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CODEX STAN 1-1985) and in compliance with the Philippine Labeling Guidelines (Administrative Order 2014-0030). The product name should be specific and not generic and it should reflect the true nature of the product. “Drink” alone may not be an appropriate denomination as it may connote that the product is liquid in form which may not always be the case for certain countries such as the Philippines.</p>	Philippines
<p>The name of the product shall be DRINK FOR YOUNG CHILDREN as defined in Section 2.1</p>	ENCA

<p>9.1.2 The name of the product shall be DRINK FOR YOUNG CHILDREN as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national [or regional] usage</p>	<p>IBFAN</p>
<p>For consistency, ISDI requests that for section 9.1.2, NAME OF THE PRODUCT, where CCNFSDU41 proposed: “drink/product for young children with added nutrients”, or “drink for young children” that “product” wording also applies to “drink for young children”. The names would then read: “Drink/product for young children with added nutrients” or “Drink/product for young children”.</p> <p>-According to the CODEX GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CODEX STAN 1-1985), the name should be specific and not generic.</p> <p>-“Drink” is not an appropriate denomination for certain countries (meaning it is a liquid to be given to relieve thirst).</p> <p>-It is normally a requirement in Codex texts that the name of the product reflects the true nature of the food (CSX 1-1985 sub-section 4.1.1). “Drink for young children” is also presented in powder form and therefore this presentation should refer to “product for young children”.</p> <p>9.1.2 The name of the product shall be ““Drink/Product for Young Children with Added Nutrients” or “Drink-“Drink/product for Young Children” as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage.</p>	<p>International Special Dietary Food Industries</p>
<p>9.1.3</p>	
<p>No comments; we propose maintaining the current text.</p>	<p>Colombia</p>
<p>We support deletion of the brackets under Declaration Nutritive Value and retention of the text “as well as” and deletion of the bracketed text [or] in a and b respectively to indicate the different forms of mandatory declaration of nutrition information in Product for Young Children with Added Nutrient and Product for Young Children.</p>	<p>Philippines</p>
<p>Uganda proposes to delete the word ‘protein’ and replace with ‘key nutrients’ and edit underlying texts. The new change to read;</p> <p>9.1.3 The sources of key nutrients in the product shall be clearly shown on the label.</p> <p>a) If [name of animal] milk is the only source of protein*, the product may be labelled “Drink/Product for Young Children with Added Nutrients Based on [name of animal] milk protein”.</p> <p>b) If [name of plant] is the only source of protein*, the product may be labelled “Drink/Product for Young Children with Added Nutrients Based on [name of plant] protein”.</p> <p>c) If [name of animal] milk and [name of plant] are the sources of proteins*, the product may be labelled “Drink/Product for Young Children with Added Nutrients Based on [name of animal] milk protein and [name of plant] protein”</p> <p>Justification:</p> <ul style="list-style-type: none"> • To add all the sources of key nutrients in the product not protein only • For clarity to the standard users. 	<p>Uganda</p>
<p>9.1.3 a)</p>	
<p>We propose replacing “[name of animal]” with “[name of animal species]” in the text of paragraphs a) and c), as this is the correct way to refer to the animal.</p>	<p>Argentina</p>

<p>a) If [name of <u>of animal species</u>] milk is the only source of protein*, the product may be labelled “drink/product for young children with added nutrients based on [name of <u>of animal species</u>] milk protein” or “drink for young children based on [name of <u>of animal species</u>] milk protein”.</p>	
<p>No comments; we propose maintaining the current text.</p>	<p>Colombia</p>
<p>New Zealand is of the view that given the decision at CCFNSDU41 to include both “drink” and “product” for one of the two name options, both should also be included in the second name option: Drink/Product for young children.</p>	<p>New Zealand</p>
<p>a) If [name of animal] milk is the only source of protein*, the product may be labelled “Drink/Product for Young Children with Added Nutrients Based on [name of animal] milk protein” or “Drink” <u>“Drink/Product</u> for Young Children Based on [name of animal] milk protein”.</p>	
<p>For the purpose of clarification, because in some countries the term “milk” refers to “cow’s milk” and clarification is only necessary when the origin is from an animal other than a cow.</p>	<p>Paraguay</p>
<p>a) If [name <u>name of animal</u>]animal milk is the only source of protein*, the product may be labelled “drink/product for young children with added nutrients based on [name <u>name of animal</u>]milk protein” <u>animal milk protein</u>” or “drink for young children based on [name <u>name of animal</u>]milk protein” <u>animal milk protein</u>”. <u>Such statements shall not be necessary if their omission does not mislead the consumer.</u></p>	
<p>a) If [name of animal] milk is the only source of protein* , the product may be labelled “drink/product for young children with added nutrients based on [name of animal] milk protein” or “drink” <u>“drink/product</u> for young children based on [name of animal] milk protein”.</p>	<p>Peru</p>
<p>a) If [name of animal] milk is the only source of protein[*], the product may be labelled ‘DRINK FOR YOUNG CHILDREN based on [name of animal] milk [protein]’.</p> <p>* For clarity, addition of individual amino acids where needed to improve protein quality does not preclude use of the above labelling options.</p>	<p>IBFAN</p>
<p>9.1.3 b)</p>	
<p>No comments; we propose maintaining the current text.</p>	<p>Colombia</p>
<p>New Zealand is of the view that given the decision at CCFNSDU41 to include both “drink” and “product” for one of the two name options, both should also be included in the second name option: Drink/Product for young children.</p>	<p>New Zealand</p>
<p>b) If [name of plant] is the only source of protein*, the product may be labelled “Drink/Product for Young Children with Added Nutrients Based on [name of plant] protein” or “Drink” <u>“Drink/Product</u> for Young Children Based on [name of plant] protein”.</p>	
<p>b) If [name <u>name of plant</u>]plant is the only source of protein*, the product may be labelled “drink/product for young children with added nutrients based on [name <u>name of plant</u>]protein” <u>plant protein</u>” or “drink for young children based on [name <u>name of plant</u>]protein” <u>plant protein</u>”.</p>	<p>Paraguay</p>
<p>b) If [name of plant] is the only source of protein*, the product may be labelled “drink/product for young children with added nutrients based on [name of plant] protein” or “drink” <u>“drink/product</u> for young children based on [name of plant] protein”.</p>	<p>Peru</p>

<p>b) If [name of plant] is the only source of protein[*], the product may be labelled DRINK FOR YOUNG CHILDREN based on [name of plant] [protein]</p>	<p>IBFAN</p>
<p>9.1.3 c)</p>	
<p>We propose replacing “[name of animal]” with “[name of animal species]” in the text of paragraphs a) and c), as this is the correct way to refer to the animal.</p> <p>c) If [name of <u>of animal species</u>] milk and [name of plant] are the sources of protein*, the product may be labelled “drink/product for young children with added nutrients based on [name of <u>of animal species</u>] milk protein and [name of plant] protein” or “drink for young children based on [name of <u>of animal species</u>] milk protein and [name of plant] protein” or “drink/product for young children with added nutrients based on [name of plant] protein and [name of <u>of animal species</u>] milk protein” or “drink for young children based on [name of plant] protein and [name of <u>of animal species</u>] milk protein”.</p>	<p>Argentina</p>
<p>We propose clarifying that the protein can be derived from animal milk or from “another source” of plant protein, so as to avoid confusion between the definition of milk as established in international regulations and plant-based drinks.</p> <p>c) If [name of animal] milk and <u>and/or another protein source</u> [name of plant] are the sources of protein*, the product may be labelled “drink/product for young children with added nutrients based on [name of animal] milk protein and [name of plant] protein” or “drink for young children based on [name of animal] milk protein and [name of plant] protein” or “drink/product for young children with added nutrients based on [name of plant] protein and [name of animal] milk protein” or “drink for young children based on [name of plant] protein and [name of animal] milk protein”.</p>	<p>Colombia</p>
<p>New Zealand is of the view that given the decision at CCNFSDU41 to include both “drink” and “product” for one of the two name options, both should also be included in the second name option: Drink/Product for young children.</p> <p>c) if [name of animal] milk and [name of plant] are the sources of proteins*, the product may be labelled “Drink/Product for Young Children with Added Nutrients Based on [name of animal] milk protein and [name of plant] protein” or “Drink-“Drink/Product for Young Children Based on [name of animal] milk protein and [name of plant] protein” or “Drink/Product for Young Children with Added Nutrients Based on [name of plant] protein and [name of animal] milk protein” or “Drink-“Drink/Product for Young Children Based on [name of plant] protein and [name of animal] milk protein”.</p>	<p>New Zealand</p>
<p>c) If [name-name of animal]-animal milk and [name-name of plant]-plant are the sources of proteins*, the product may be labelled “drink/product for young children with added nutrients based on [name-name of animal]-animal milk protein and [name-name of plant]-plant protein” or “drink for young children based on [name-name of animal]-animal milk protein and [name-name of plant]-plant protein” or “drink/product for young children with added nutrients based on [name-name of plant]-plant protein and [name-name of animal]-milk protein” or “drink for young children based on [name-name of plant]-plant protein and [name-name of animal]-milk protein”.</p>	<p>Paraguay</p>
<p>c) If [name of animal] milk and [name of plant] are the sources of protein*, the product may be labelled “drink/product for young children with added nutrients based on [name of animal] milk protein and [name of plant] protein” or “drink-“drink/product for young children based on [name of animal] milk protein and [name of plant] protein” or “drink/product for young children with added nutrients based on [name of plant] protein and [name of animal] milk protein” or “drink-“drink/product for young children based on [name of plant] protein and [name of animal] milk protein”.</p>	<p>Peru</p>

<p>a) If [name of animal] milk and [name of plant] are the sources of protein[*], the product may be labelled DRINK FOR YOUNG CHILDREN Based on [name of animal] milk protein and [name of plant] protein' or DRINK FOR YOUNG CHILDREN based on [name of plant] protein and [name of animal] milk protein'.</p> <p>* For clarity, addition of individual amino acids where needed to improve protein quality does not preclude use of the above labelling options</p>	IBFAN
9.1.4	
No comments; we propose maintaining the current text.	Colombia
A product which contains neither milk nor any milk derivative shall <u>may</u> be labelled "contains no milk or milk products" or an equivalent phrase.	Indonesia
This text is ready for adoption	Nigeria
A product which contains neither milk nor any milk derivative shall be labelled "contains no milk or milk products" or an equivalent phrase..	IBFAN
9.2	
Burkina Faso believes that this text has been discussed and approved and is now ready for adoption.	Burkina Faso
Mali believes that this text has been discussed and approved and is now ready for adoption.	Mali
Nepal agrees to the text in section 9.2 for adoption.	Nepal
This text is ready for adoption	Nigeria
It is important to note the lack of allergens information. We highly encourage to include it as a compulsory information in a separate bullet.	EFAD
Helen Keller International believes that this text has been discussed and agreed upon and is ready for adoption.	HKI
9.2.1	
<p>The focus of the wording of point 9.2.1 is unclear, taking into account that CODEX STAN 1-1985 states that: "Where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared, as such, in the list of ingredients, provided that it is immediately accompanied by a list, in brackets, of its ingredients in descending order of proportion (m/m). In this sense, the proposed article 9.2.1 in this document would be contrary to the current provisions of the general standard for labelling. For the above reasons, we request clarifying the focus of the wording.</p>	Colombia
Take into account the General Standard for Labelling to reference allergen declarations.	Honduras
The UK is content with the proposed wording for section 9.2.1. on the proposed order of ingredients for the labelling of follow-up formula for young children.	United Kingdom
list of all ingredients	ENCA

A complete list of all ingredients shall be declared on the label in descending order of proportion except that in the case of added vitamins and minerals, these ingredients may be arranged as separate groups for vitamins and minerals. Within these groups the vitamins and minerals need not be listed in descending order of proportion.	IBFAN
9.2.2	
No comments; we propose maintaining the current text.	Colombia
The UK is content with the proposed wording for section 9.2.2 on the specific names of ingredients of follow-up formula for young children.	United Kingdom
The specific name shall be declared for ingredients of animal or plant origin and for food additives. In addition, appropriate functional classes for food additives should be included on the label. The food additives INS number may also be optionally declared.	IBFAN
9.3 Declaration of Nutritive Value	
The declaration of nutritional information of the product as defined in Section 2.1 should contain the following information, in the order indicated herein: No comments; we propose maintaining the current text.	Colombia
Burkina Faso believes that this text has been discussed and approved and is now ready for adoption. However, there is a minor parenthesis error in paragraph c), which should read: "Furthermore, the declaration of nutrients in a) and b) per 100 kilocalories (kcal) (or per 100 kilojoules (kj)) and/or per serving, is permitted, provided that the serving is quantified on the label."	Burkina Faso
The declaration of nutrition information for the product as defined in Section 2.1 shall contain the following information which should be in the following order:	Indonesia
c): There is an incorrect parenthesis – see highlight. The text should read as follows: "Furthermore, the declaration of nutrients in a) and b) per 100 kilocalories (kcal) (or per 100 kilojoules (kJ)) is permitted."	Mali
Nepal agrees to the text in section 9.3 for adoption.	Nepal
This text is ready for adoption	Nigeria
Uganda agrees with the section but with a technical reservation; Justification; Need to comment on the section 3 of the draft standard.	Uganda
The UK is content with the text for the proposed labelling of the declaration of nutritive value of follow-up formula for young children and considers the potential repetition of this information to be useful to consumers.	United Kingdom
The declaration of nutrition information DRINK FOR YOUNG CHILDREN shall contain the following information, which should be in the following order	IBFAN
9.3 a)	
No comments; we propose maintaining the current text.	Colombia

Select "or". The amount of energy, expressed in kilocalories (kcal) and/or kilojoules (kJ), and the number of grams of protein, carbohydrate and fat per 100 g or per 100 ml of food as sold, [as well as] [or] per 100 ml of food ready for use, when prepared according to the instructions on the label.	Honduras
the amount of energy, expressed in kilocalories (kcal) and/or kilojoules (kJ), and the number of grams of protein, carbohydrate and fat per 100 g or per 100 ml of the food as sold [as well as] [or] per 100 ml of the food ready for use, when prepared according to the instructions on the label.	Indonesia
The amount of energy, expressed in kilocalories (kcal) and/or kilojoules (kJ), and the number of grams of protein, carbohydrate and fat per 100 g or per 100 ml of food as sold food, [as well as] [or] per 100 ml of food ready for use , when prepared according to the instructions on the label.	Paraguay
We accept the text between square brackets [as well as]: The amount of energy, expressed in kilocalories (kcal) and/or kilojoules (kJ), and the number of grams of protein, carbohydrate and fat per 100 g or per 100 ml of the food as sold, [as well as] [or] per 100 ml of the food ready for use, when prepared according to the instructions on the label.	Peru
As regard carbohydrate, we suggest that sugars added others than lactose are needed to be declared due to cariogenicity	EFAD
the amount of energy, expressed in kilocalories (kcal) and/or kilojoules (kJ), and the number of grams of protein, carbohydrate and fat per 100 g or per 100 ml of the food as sold as well as per 100 ml of the food ready for use, when prepared according to the instructions on the label.	IBFAN
9.3 b)	
No comments; we propose maintaining the current text.	Colombia
Correct ml as the unit of measurement throughout the document. Place "or" The total quantity of each vitamin, and mineral as listed in paragraph 3.1.3 of Section B and any other ingredient as listed in paragraph 3.2 of Section B per 100 g or per 100 ml of food as sold, [as well as] [or] per 100 ml of the food ready for use, when prepared according to the instructions on the label.	Honduras
the total quantity of each vitamin, and mineral as listed in paragraph 3.1.3 of Section B and any other ingredient as listed in paragraph 3.2 of Section B per 100 g or per 100 ml of the food as sold [as well as] [or] per 100 ml of the food ready for use, when prepared according to the instructions on the label.	Indonesia
The total quantity of each vitamin, and mineral as listed in paragraph 3.1.3 of Section B and any other ingredient as listed in paragraph 3.2 of Section B per 100 g or per 100 ml of food as sold food, [as well as] [or] per 100 ml of the food ready for use, when prepared according to the instructions on the label.	Paraguay
The total quantity of each vitamin, and mineral as listed in paragraph 3.1.3 of Section B and any other ingredient as listed in paragraph 3.2 of Section B per 100 g or per 100 ml of food as sold, [as well as] [or] per 100 ml of the food ready for use, when prepared according to the instructions on the label.	Peru

the total quantity of each vitamin, and mineral as listed in paragraph 3.1.3 of Section A and any other ingredient as listed in paragraph 3.2 of Section A per 100 g or per 100 ml of the food as sold as well as per 100 millilitres of the food ready for use, when prepared according to the instructions on the label.	IBFAN
9.3 c)	
The declaration of nutrients per serving size as declared on the label, and optionally per 100 kcal (or per 100 kJ). In addition, the declaration of nutrients is per 100 kcal (or per every 100 kJ) or per serving size, provided that the serving size is quantified in the label, is permitted. In view of the scientific evidence that supports the positive impact of the declaration of nutrients per 100 g or 100 ml of food and per serving, as regards interpretation by the consumer, we propose including mandatory reporting of nutrients per serving. On the other hand, taking into account that these follow-up products are not designed to be the sole source of nutrition for children aged 12-36 months, it is not considered essential to report the nutrients per 100 kcal or 100 kJ, but this can be declared optionally, as the calculation can be made on the basis of the information already included on the label, in specific cases where this is required.	Colombia
providing that the serving size is quantified on the label, in addition, the declaration of nutrients in a) and b) per 100 kilocalories (kcal) (or per 100 kilojoules) (kJ) and/or per serving size, provided that the serving size is quantified on the label, is <u>also</u> permitted.	Indonesia
c): There is an incorrect bracket – see highlight. The text should read ‘In addition, the declaration of nutrients in a) and b) per 100 kilocalories (kcal) (or per 100 kilojoules (kJ)) is permitted.’	HKI
9.4 Date Marking and Storage Instructions	
Burkina Faso believes that this text has been discussed and approved and is now ready for adoption.	Burkina Faso
Mali believes that this text has been discussed and approved and is now ready for adoption.	Mali
Nepal agrees to the text in section 9.4 for adoption.	Nepal
This text is ready for adoption	Nigeria
The UK is content with the text for the proposed labelling of the Date Marking and Storage Instructions of follow-up formula for young children.	United Kingdom
Helen Keller International believes that this text has been discussed and agreed upon and is ready for adoption.	HKI
9.4.1	
No comments; we propose maintaining the current text.	Colombia
(i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” shall be declared. (ii) Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality Before Date” shall be declared. ENCA considers that the use of “Best Before Date” or “Best Quality Before Date” is not appropriate for DRINK FOR YOUNG CHILDREN products. The CXS 1-1985 states that when a food must be consumed before a certain date to ensure its safety and quality “Use-by Date” or “Expiration Date” should be used. We consider that these products should not be consumed after the	ENCA

expiration date, since there is no guarantee of the compliance with the required nutritional content of the standard, nor its microbiological and other quality and safety requirements. Since they are intended for children from 12 to 36 months these precautions must be in place for this vulnerable population.	
<p>9.4.1 The date marking and storage instructions shall be in accordance with section 4.7.1 of the General Standard for the Labelling of Prepackaged Foods.</p> <p>If not otherwise determined in an individual Codex standard, the following date marking shall apply, unless clause 4.7.1 (vii) applies:</p> <p>(i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” shall be declared.</p> <p>(ii) Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality Before Date” shall be declared.</p> <p>IBFAN considers that the use of “Best Before Date” or “Best Quality Before Date” is not appropriate for DRINK FOR YOUNG CHILDREN products. The CXS 1-1985 states that when a food must be consumed before a certain date to ensure its <u>safety and quality</u> “Use-by Date” or “Expiration Date” should be used. IBFAN considers that these products should not be consumed after the expiration date, since there is no guarantee of the compliance with the required nutritional content of the standard, nor its microbiological and other quality and safety requirements. Since DRINK FOR YOUNG CHILDREN are intended for children from 12 to 36 months these precautions must be in place for this vulnerable population.</p>	IBFAN
9.4.2	
No comments; we propose maintaining the current text.	Colombia
Improve the drafting as relates to best regulatory practice.	Honduras
9.5 Information for use	
Burkina Faso believes that this text has been discussed and approved and is now ready for adoption.	Burkina Faso
Nepal agrees to the text in section 9.5 for adoption.	Nepal
The UK is content with the text for the proposed labelling of follow-up formula for young children.	United Kingdom
Add warnings about intrinsic contamination of powdered products.	IBFAN
Helen Keller International agrees that this text has been discussed and agreed upon and is ready for adoption.	HKI
Mali believes that this text has been discussed and approved and is now ready for adoption.	Mali
9.5.1	
Please delete comma from the following:	Australia
"... Concentrated liquid products and powdered products, must be prepared with potable water..."	
No comments; we propose maintaining the current text.	Colombia

These instructions do not specify whether this is something that should be placed on the label, and whether the instructions apply to the consumers, or to the manufacturer of the product.	Honduras
Although it is mentioned that "Adequate directions for the appropriate preparation and handling should be in accordance with Good Hygienic Practice", we are concerned about the fact that the text suggests that when making up a powdered feed, the water is the only thing that must be made safe. It is important to make consumers understand that as long as the water has been boiled, from that moment on it will not be "sterile". Families are regularly seen bringing powder in a container and bottles of previously boiled water out and about. They add the powder to the water that has long since cooled and which is ineffective in terms of killing any bacteria in the milk powder. We believe this piece could be modified to clarify the exact preparation instructions or at least address to consumers to a set of instructions stated inside the package	EFAD
9.5.1 Ready to use-products in liquid form should be used directly. Concentrated liquid products must be prepared with potable water that is safe or has been rendered safe by previous boiling before feeding, according to directions for use. ADD the following: Products in powdered form must contain a statement that the product is not sterile and preparation instructions must include that the product be reconstituted with safe water at 70 degrees centigrade according to the (WHO/FAO (2007) guidelines, " Safe preparation, storage and handling of powdered infant formula and WHA resolutions WHA 58.32 (2005) and 61.20 (2008) as well as the Codex Alimentarius 'Code of hygienic practice for powdered formulae for infants and young children (2008), which provides relevant recommendations for the labeling of powdered infant formula and follow-up formula. Adequate directions for the appropriate preparation and handling should be in accordance with Good Hygienic Practice.	IBFAN
9.5.2	
No comments; we propose maintaining the current text.	Colombia
9.5.2 Adequate directions for the appropriate - preparation and <u>appropriate</u> use of the product, including its storage and disposal after preparation, i.e. that product remaining after feeding should be discarded, shall appear on the label.	Peru
We suggest to remove "after feeding" since its suggests that the parent/carer will still be feeding the child. By one year of age, the young child should have increasing autonomy over their feeding. We propose a new wording, as follow: i.e. that product remaining unconsumed should be discarded, shall appear on the label.	EFAD
9.5.3	
No comments; we propose maintaining the current text.	Colombia
9.5.4	
No comments; we propose maintaining the current text.	Colombia
We suggest also including warnings about symptoms or signs caused by allergens and additives in the food.	Honduras
9.5.5	
No comments; we propose maintaining the current text.	Colombia

9.5.6	
In Colombia, some sectors consider it appropriate to include in point 9.5.6 a statement that the food is not sterile. One of the revised proposals is to include on the labelling of the food the text "This food is not sterile". We request a review of the appropriate wording of the text, taking into account the type of food and the target population, once the discussion of the hygiene section of the standard begins.	Colombia
We suggest being clearer about the need to display information related to the fact that these products are unlikely to be required by young children consuming a healthy balanced diet who are growing at an adequate rate and have no concerns about any nutritional risk.	EFAD
The label of DRINK FOR YOUNG CHILDREN shall include a statement that the product shall not be introduced to infants 12 months of age or less and is not to be used as the sole source of nutrition.	IBFAN
9.6 Additional labelling requirements	
Burkina Faso believes that this text has been discussed and approved and is now ready for adoption.	Burkina Faso
Mali believes that although the text is a compromise on what was requested, it is ready for adoption. Mali reserves the right to express a different opinion if a new text is proposed, as the existing text is already a compromise.	Mali
Nepal agrees to the text in section 9.6 for adoption.	Nepal
Uganda agrees with the section; Justification: It's in agreement with its national regulation on breast feeding substitutes (National regulations on Marketing of infants and young child foods).	Uganda
Overall, the UK supports the proposed wording that ensures that the additional labelling requirements of follow-up formula in terms of the text, images and colours ensures the product is clearly distinct from infant formula, follow-up formula for older infants and formula for special medical purposes intended for infants. The UK supports that the label should not contain any image, text, or representation that could undermine or discourage breastfeeding but a positive statement relating to the benefits of breast feeding is included. The UK is of the view that further detail and clarity is required for the proposed wording of Section 9.6.5 of the standards. The UK has concerns about the potential impact of the proposed wording on businesses and barriers to trade.	United Kingdom
Add warnings about intrinsic contamination of powdered products	ENCA
9.6 Helen Keller International believes that this text, although compromise text from what we were requesting, is ready for adoption. Helen Keller International reserves the right to voice a different opinion should any new text be proposed, as the existing text is already compromised text.	HKI
We fully support the actual labelling requirements and submit proposals in red for further improvement	IBFAN
9.6.1	
No comments; we propose maintaining the current text.	Colombia

9.6.1 The label of the product as defined in Section 2.1 shall have no image, text or representation, including pictures of feeding bottles, that could undermine or discourage breastfeeding or which idealises the use of the product as defined in Section 2.1. The terms “humanised”, “maternalizado” <u>“maternizado” (maternalized)</u> or other similar terms must not be used on the label.	Peru
We totally agree with not including pictures of feeding bottles, actually these products should only ever be given from a cup – preferably unlidded.	EFAD
9.6.2	
We propose specifying that the message should be positioned in a visible place on the label, taking into account current scientific evidence indicating the importance of location in relation to ease of reading and access to information by the consumer.	Colombia
9.6.2 Labels should not discourage breastfeeding. Each container label on each package shall have a clear, conspicuous and easily readable message <u>located in a conspicuous place</u> which includes the following points:	
9.6.2 a)	
We propose highlighting the message by including the texts ‘important notice’ and ‘breastmilk is the best food for the child’ with the aim of promoting breastfeeding in line with international scientific evidence, dietary guidelines and nutritional recommendations.	Colombia
a) The statement <u>The statements Important Notice: “Breastfeeding is recommended up to two years of age and beyond” and beyond” and “Breast milk is the best food for your child”.</u>	
the words "important notice" or their equivalent;	IBFAN
9.6.2 b)	
No comments; we propose maintaining the current text.	Colombia
We suggest to replace "mother" by "parent"	EFAD
c) a statement that the product is not necessary as a nutritional requirement for young children and should only be used on advice of an independent health worker as to the need for its use and the proper method of use. (d) the statement; ‘The use of this product must not replace breast-milk and lead to cessation of continued breastfeeding’	ENCA
9.6.2 c) and d)	
c) a statement that the product is not necessary as a nutritional requirement for young children and should only be used on advice of an independent health worker as to the need for its use and the proper method of use.	IBFAN
(d) the statement; ‘The use of this product must not replace breast-milk and lead to cessation of continued breastfeeding’.	
9.6.3	
No comments; we propose maintaining the current text.	Colombia
9.6.3 The label shall have no pictures of infants, older infants, young children and women or any other picture, text, or representation that:	

9.6.3.1	
No comments; we propose maintaining the current text.	Colombia
◦compromises or discourages breastfeeding, or makes a comparison with breast milk or suggests that the product is of similar quality, equivalent to or superior to breast milk;	Mali
Helen Keller International points out an error in the spelling of breastmilk in the context of this text. Breastmilk is only spelt 'breast-milk' when referring to breast-milk substitutes. The hyphen should be removed so that the text reads "undermines or discourages breastfeeding; or that makes a comparison to breastmilk, or suggests that the product is similar, equivalent to or superior to breastmilk;"	HKI
9.6.3.2	
No comments; we propose maintaining the current text.	Colombia
Delete: unless this has been specifically approved by relevant national or regional regulatory authorities.	ENCA
might convey an endorsement or anything that may be construed as an endorsement by a professional or any other body, unless this has been specifically approved by relevant national or regional regulatory authorities.	IBFAN
9.6.4	
No comments; we propose maintaining the current text.	Colombia
ADD: Cross promotion between product categories is not permitted on the labelling of the product and drinks for young children should not resemble in appearance to infant formula, FSMPs and other drinks and foods marketed for infants and young children	ENCA
Cross promotion between product categories is not permitted on the labelling of the product and drinks for young children should not 'resemble' infant formula, FSMPs and other drinks and foods marketed for infants and young children.	IBFAN
9.6.5	
<p>9.6.5 The labelling of the product as defined in Section 2.1 shall not refer to infant formula, follow-up formula for older infants, and formula for special medical purposes intended for infants, including numbers, text, statements<u>text</u>, or images of these products.</p> <p>Argentina considers that the text of the paragraph is unclear, too general, and does not define the aspects that should not be allowed in the labelling of products. It is important to bear in mind that a lack of specificity or clarity will make it difficult to audit. In this regard, we consider that the generalised reference in the last line of point 9.6.5, which reads "including numbers, text, statements, or images of these products", is non-specific and too broad. We therefore suggest that it should indicate the types of text, statements and images that are being referred to.</p> <p>On the other hand, the terms expressed in the last line of paragraph 9.6.5, "...text, statements...", refer to similar concepts, and it is not obvious from this wording that they might have different meanings. For this reason, and in order to ensure greater clarity of the text, we suggest deleting the term "statements".</p> <p>While we understand the purpose of including this text given the discussions that have taken place on the subject[1], we consider that it would be prudent to revise the wording in order to specify which aspects should not be allowed in the labelling. Furthermore, while this issue is already covered in Section 3 of the GENERAL STANDARD FOR THE LABELLING OF</p>	Argentina

<p>PREPACKAGED FOODS, CXS 1-1985[2], we consider that it may be necessary to reiterate it in this document.</p> <p>[1] According to paragraph 50 of the REP19/NFSDU Report: “The Representative of WHO clarified that the intent of the provision on cross-promotion was to avoid messages on labels that a product for a particular age group was also suitable for another age group or that reference was made to a similar product for another age group.” In paragraph 78 of the REP20/NFSDU Report, with respect to point 9.6.5, “a Member clarified their understanding that the intention of this provision is that the product labelling cannot include numbers that refer to the other listed products, statements or text that describe or refer to the other listed products, or pictures or pack-shots of the other listed products.</p> <p>[2] “Prepackaged food shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect. 3.2 Prepackaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.</p>	
<p>9.6.5 The labelling of the product as defined in Section 2.1 shall not refer to infant formula, follow-up formula for older infants, and formula for special medical purposes intended for infants, including numbers, text, or images of the containers of these products.</p> <p>We propose making specific reference to the images of the “containers” for clarity.</p>	Colombia
<p>Costa Rica considers that the proposed wording of section 9.6.5 may give rise to different interpretations contrary to Codex principles.</p> <p>In this regard, Costa Rica is particularly concerned that 9.6.5 could establish a prohibition or restriction that is contrary to international obligations (for example, the term “images” could be understood to include a logo or trademark). It also considers it very important that further guidance be provided to allow for a paragraph 9.6.5. that more clearly articulates the intention to introduce this provision.</p> <p>The same section 9.6.3 states that “The label shall have no pictures of infants...”.</p> <p>Therefore, Costa Rica recommends deleting the term “statements” because of its similarity to the term “text”, which furthermore does not provide clarity on how these terms convey different meanings.</p> <p>In view of the above, Costa Rica proposes the following amendment to paragraph 9.6.5 so that it reads as follows:</p> <p>9.6.5 The labelling of the product as defined in Section 2.1 shall not refer to infant formula, follow-up formula for older infants, or formula for special medical purposes intended for infants, including numbers, text, or photos of containers of these products.</p> <p>Justification:</p> <p>1. Paragraph 9.6.5 in general</p> <p>The chair of the FUF EWG stated that “it is imperative that the provision be drafted in a way so as to ensure it is interpreted and applied in a consistent way by Codex” (NFSDU/41 CRD 3).</p> <ul style="list-style-type: none"> • Paragraph 50 of the CCNFSDU40 report mentions that, the Representative of WHO clarified that the intent of this provision (9.6.5.) was: “to avoid messages on labels that a product for a particular age group was also suitable for another age group or that reference was made to a similar product for another age group”. • Paragraph 78 of the CCNFSDU41 report states: “With respect to Section 9.6.5, a Member clarified their understanding that the 	Costa Rica

intention of this provision is that the product labelling cannot include numbers that refer to the other listed products, statements or text that describe or refer to the other listed products, or pictures or pack-shots of the other listed products”.

2. Images

- The term “images” could be misunderstood as a “company name”, “logo”, “brand name”, “trademark” which are beyond the scope according to the interpretation given above. This should be acknowledged in the Committee’s forthcoming reports (CCFL46 and CCFNSDU42):

- These optional labelling elements² are permitted as long as they do not conflict with the general principles established for the labelling of prepackaged foods (CXS 1-1985)³.

- These labelling elements help parents and caregivers to easily identify nutritionally appropriate products according to the child’s age and needs and to more easily identify the specific products they are looking for. Consumers rely on brands and their associated identifiers (e.g., icons, logos, colours, trademarks) to identify products that are safe, well-tolerated by their children and that are legitimate, not counterfeit, and to follow the advice of their paediatrician, doctor or health care provider.

- Adding restrictions can lead to confusion for consumers and caregivers, as well as deprive them of the ability to identify appropriate, safe and nutritious Drinks/Products for young children.

3. Images of the containers

- The General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) defines the following terms:

- “Container” means any packaging of food for delivery as a single item, whether by completely or partially enclosing the food and includes wrappers. A container may enclose several units or types of prepackaged food when such is offered to the consumer.

- “Prepackaged” means packaged or made up in advance in a container, ready for offer to the consumer, or for catering purposes.

- Therefore, the phrase “photos of containers” is considered to suit the proposed objective, since it is clearer than the term “images of these products”.

4. Text/statements

- We note that “text” and “statements” are very similar terms:

- The use of both terms in the same provision of a Codex standard without further clarification of the intended meanings of both terms seems to be a duplication.

Finally, Costa Rica wishes to express its support for the continuation of work on this draft revised Standard that contributes to the health and well-being of older infants and young children while ensuring fair practices in the food trade in accordance with the Codex mandate.

Footnotes.

² The General Standard for the Labelling of Prepackaged Foods (CXS 1-1985), section 4.1.1.4 states that, “A “coined”, “fanciful”, “brand” name or “trade mark” may be used provided it accompanies one of the names provided in Subsections 4.1.1.1 to 4.1.1.3.”

³ GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS CXS 1-1985, Section 3: “3.1 Prepackaged food shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect. 3.2 Prepackaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of

any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.”	
<p>Malaysia has no objection with the proposed text but request for further guidance is provided for proper implementation of the standard.</p> <p>The rationale for this proposal are as follows:</p> <ul style="list-style-type: none"> • The term “images” could be wrongly understood as a “logo’, “brand name”, “trade mark” which are out of the scope based on the interpretation given and this should be clearly acknowledged: <ul style="list-style-type: none"> o It is permitted as optional labelling elements¹ providing they are not in conflict with the General principles established for the labelling of pre-packaged foods. o They are examples of intellectual property and therefore cannot be in the scope. o Brand/stage of the product itself/logo/trademark/brand identification” helps caregivers: <ul style="list-style-type: none"> <input type="checkbox"/> to identify appropriate nutritional products based on the child’s age and needs, <input type="checkbox"/> to identify recognized and trusted products. • “text” and “statements” are very similar terms: <ul style="list-style-type: none"> o The use of these terms in a Codex Standard without further qualification of the specific” text” or “statements” considered is open to various interpretation leading to differences in implementation. 	Malaysia
<p>Nigeria is of the opinion that this text is not ready for adoption</p> <p>Rationale: The word ‘refer’ should be replaced with ‘resemble’ which better conveys the intent of cross-promotion. Proposed text: The labelling of the product as defined in Section 2.1 shall not resemble that of infant formula, follow-up formula for older infants, or formula for special medical purposes intended for infants, including numbers, text, statements, or images of these products.</p>	Nigeria
<p>9.6.5 The labelling of the product as defined in Section 2.1 shall not refer to infant formula, follow-up formula for older infants, and formula for special medical purposes intended for infants, including numbers, text, statements or images of the <u>containers of</u> these products.</p>	Peru
<p>“The practice of cross-promotion of breast-milk substitutes must be curbed.” (WHO/UNICEF INFORMATION NOTE - Cross-promotion of infant formula and toddler milks, WHO, 2018).</p>	ENCA
<p>add: Cross promotion between product categories is not permitted on the labelling of the product and drinks for young children should not resemble in appearance to infant formula, FSMPs and other drinks and foods marketed for infants and young children.</p>	ENCA
<p>Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. Cross promotion between product categories is not permitted on the labelling of the product and drinks for young children should not ‘ resemble’ infant formula, FSMPs and other drinks and foods marketed for infants and young children.</p>	IBFAN
<p>9.6.5 The labelling of the product as defined in Section 2.1 shall not refer to infant formula, follow-up formula for older infants, or formula for special medical purposes intended for infants, including numbers, text, statements, or <u>images-pictures</u> of <u>containers of</u> these products.</p>	International Special Dietary Food Industries

ISDI does not fully concur with the new section 9.6.5 in the ADDITIONAL LABELLING REQUIREMENTS as it is open to various interpretations without further qualification. This may lead to differences in interpretation contrary to Codex principles. ISDI is particularly concerned that 9.6.5 could establish a prohibition or restriction that is contrary to international obligations governing intellectual property rights (for example, the term “Images” could be understood to include a logo, a brand name, or a trademark). Therefore, ISDI proposes further guidance is provided regarding the meaning of paragraph 9.6.5. which more clearly articulates the intent of the member who introduced this provision. It was clarified by this member that product labels should not include pictures or pack shots of other formula products in the range. ISDI also recommends deletion of “statements” given this is very similar to “text,” and it is not clear how or if these terms convey different meanings. Therefore, ISDI proposes that paragraph 9.6.5 reads as modified above.

Paragraph 9.6.5 in general

-The FUF EWG Chair stated, “it is imperative that the provision be drafted in a way so as to ensure it is interpreted and implemented in a consistent way by Codex” (NFSDU/41 CRD 3).

-Paragraph 50 of the CCNFSDU40 report states that the WHO representative specified that the purpose of this provision (9.6.5.) was: “to avoid messages on labels that a product for a particular age group was also suitable for another age group or that reference was made to a similar product for another group”.

-Paragraph 78 of CCNFSDU41 report states: “With respect to Section 9.6.5, a Member clarified their understanding that the intention of this provision is that the product labelling cannot include numbers that refer to the other listed products, statements or text that describe or refer to the other listed products, or pictures or pack-shots of the other listed products.”

Images

-The term “images” could be wrongly understood as a “company name”, “logo”, “brand name”, “trademark” which are out of the scope based on the interpretation given above.

These optional labelling elements (2) are permitted providing they are not in conflict with the General principles established for the labelling of prepackaged foods (CXS 1-1985) (3).

They are examples of intellectual property that conform with related international obligations, therefore, cannot be in the scope. These labelling elements help parents and caregivers to easily identify appropriate nutritional products based on the child’s age and needs and to more readily identify specific products they are seeking. Consumers rely on brands and associated identifiers (e.g. icons, logos, colours, trademarks) to identify safe products, well tolerated by their child, and that are legitimate, non-counterfeit products, as well as to follow the advice of their paediatrician or healthcare provider.

Adding restrictions may lead to the confusion of consumers and caregivers as well as deprive them of the ability to identify appropriate safe and nutritious Drink/Product for young children.

Pictures of Containers

-General Standard for the Labelling of Prepackaged Foods (CXS 1-1985), defines the following terms:

“Container” means any packaging of food for delivery as a single item, whether by completely or partially enclosing the food and includes wrappers. A container may enclose several units or types of packages when such is offered to the consumer.

“Prepackaged” means packaged or made up in advance in a container, ready for offer to the consumer, or for catering purposes.

-Therefore, ISDI considers that the term “pictures of containers” is more appropriate than the term “pack shots” to replace the term “images”.

Text/statements

-ISDI notes that “text” and “statements” are very similar terms:

The use of both these terms within a provision of a Codex Standard without further clarification of the intended meanings of both terms appears to be a duplication.

ISDI looks forward to continuing the work on the proposed draft of the revised Standard that contributes to the health and well-being of older infants and young children while ensuring fair practice in food trade according to the Codex mandate.

(2) GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS CXS 1-1985, section 4: “4.1.1.4 A “coined”, “fanciful”, “brand” name or “trademark” may be used provided it accompanies one of the names provided in Subsections 4.1.1.1 to 4.1.1.3.”

(3) GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS CXS 1-1985, section 3: “3.1 Prepackaged food shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect. 3.2 Prepackaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.”