CODEX ALIMENTARIUS COMMISSION E

Food and Agriculture Organization of the United Nations

World Health Organization

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CX 5/15 **CL 2010/19-FL**
June 2010

TO: Codex Contact Points
Interested International Organizations

FROM: Secretariat,
Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme
FAO, Viale delle Terme di Caracalla, 00153 Rome, Italy

SUBJECT: Request for comments and information at Step 3 on the proposed draft Recommendations for the Labelling of Foods and Food Ingredients obtained through Certain Techniques of Genetic Modification/Genetic Engineering (ALINORM 10/33/22 paras. 159 to 161 and Appendix X – reproduced attached)

DEADLINE: **1 November 2010**[1]

COMMENTS:

To:

Codex Contact Point for Canada, Food Directorate, Health Canada, 200 Tunney's Pasture Driveway, Bldg. No. 7, Room 2395, Tunney's Pasture, Ottawa K1A 0L2, Canada, Fax No. +1.613.941.3537, E-mail: codex_canada@hc-sc.gc.ca (***preferably***)

European Commission, Codex Contact Point, DG Health and Consumer Protection, Unit D3, F101 - 2/64, B-1049 Brussels, Fax No. +32. 2.299.85.66, E-mail: codex@ec.europa.eu (***preferably***)

Copy to:

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[1] The invitations to the facilitated work session on this proposed draft, hosted by the European Union in Brussels from 15 to 16 November 2010, will be sent separately.

Appendix X of ALINORM 10/33/22:

PROPOSED DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS AND FOOD INGREDIENTS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING

(At Step 3 of the Procedure)

*[**Chapeau version 1:** The purpose of this document is only to recall and assemble in a single document some important elements of guidance from Codex texts, which are relevant for the labelling of foods derived from modern biotechnology. It also recognizes that each country can adopt different approaches regarding labelling of foods derived from modern biotechnology. This document is not intended to suggest or imply that foods derived from modern biotechnology are necessarily different from other foods simply due to their method of production.]*

*[**Chapeau version 2:** Acknowledging that different approaches regarding labelling of foods derived from modern biotechnology are available, the purpose of this document is only to recall and assemble in a single document some important elements of guidance from existing Codex texts, which are relevant for the labelling of foods derived from modern biotechnology. This document is not intended to suggest or imply that foods derived from modern biotechnology are necessarily different from other foods simply due to their method of production.]*

[Text as annexed to report of the 36th Session of the CCFL:

1. The following Codex standards and related texts contain provisions applicable to the labelling of food products and may be applied to foods obtained by GM/GE:]

- The Codex General Standard for the Labelling of Prepackaged Foods, (Codex Stan 1-1985)
- The Codex General Guidelines on Claims (CAC/GL 1-1979)
- The Codex Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997)
- Principles for Risk Analysis of Foods Derived from Modern Biotechnology (CAC/GL 44-2003);
- Guidelines for the Conduct of Food Safety Assessments of Foods Derived from Recombinant-DNA plants (CAC/GL 45-2003)
- Guidelines for the Conduct of Food Safety Assessments of Foods Derived from Recombinant-DNA microorganisms
- Working Principles for Risk Analysis for Food Safety for Application by Governments

2 Codex labelling and other texts apply to foods sold in unpackaged/non-retail containers including those foods obtained through GM-GE techniques and sold in such manner. Labelling means "any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal."

3. Labelling of a food is considered only after the food has undergone appropriate assessments to deem it safe for human consumption. Codex has adopted several texts which address the safety aspects of GM/GE foods and are available to Member Countries for this purpose[2].

4. The Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants (CAC/GL 45-2003) states that the "transfer of genes from commonly allergenic foods . . . should be avoided unless it is documented that the transferred gene does not code for an allergen . . .".

5. The presence in any food or food ingredients obtained through biotechnology of an allergen transferred from any of the products listed in section 4.2.1.4 shall be declared. When it is not possible to provide adequate information on the presence of an allergen through labelling, the food containing the allergen should not be marketed (section 4.2.2, GSLPF).

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[2] Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants (CAC/GL 45-2003); Guideline for the Conduct of Food Safety Assessment of Foods Produced Using Recombinant-DNA Microorganisms (CAC/GL 46-2003).

6. When the physical, chemical, or functional characteristics of a food are significantly altered through any means (production or processing), the labelling of such food be appropriately modified from its traditional labelling to ensure that the food is described or presented in a manner that is truthful and not misleading and not likely to create an erroneous impression regarding its character in any respect. The traditional name of such food may need to be changed or qualified with additional words or phrases to describe the true nature of the food and to avoid misleading or confusing the consumer.
7. In cases where GM/GE modifications result in a claim related to the nutritional properties of the food, the claim language should be consistent with the Guidelines for Use of Nutrition and Health Claims.
8. The provisions in existing Codex texts can be applied to labelling statements related to GM/GE foods.
9. Codex labelling texts apply to representation used to provide information to enable consumer choice about the food they purchase and/or when used by marketers to indicate that a food meets certain consumer preferences.
10. Any representations made on the label or in the labelling of GM/GE foods should be consistent with the GSLPF (Codex Stan 1-1985) and the General Guidelines on Claims (CAC/GL 1-1979).

Table 1. Provisions in existing Codex labelling texts that apply to the labeling of GM/GE foods

Section	Mandatory Labelling Provisions
General Standard for the Labelling of Prepackaged Foods	
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.
4.1.1	The name [of the food] shall indicate the true nature of the food and normally be specific and not generic.
4.1.2	There shall appear on the label either in conjunction with, or in close proximity to, the name of the food, such additional words or phrases as necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the food including but not limited to the type of packaging medium, style, and the condition or type of treatment it has undergone; for example, dried, concentrated, reconstituted, smoked.
4.2.2	The presence in any food or food ingredients obtained through biotechnology of an allergen transferred from any of the products listed in section 4.2.1.4 shall be declared. When it is not possible to provide adequate information on the presence of an allergen through labelling, the food containing the allergen should not be marketed.

Section	Voluntary Labelling Provisions
General Standard for the Labelling of Prepackaged Foods	
7.1	Optional labelling – Any information or pictorial device written, printed, or graphic matter may be displayed in labelling provided that it is not in conflict with the mandatory requirements of this standard and those relating to claims and deception given in section 3 – General Principles.
General Guidelines on Claims	
1.2	The principle on which the guidelines are based is that no food should be described or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.
1.3	The person marketing the food should be able to justify the claims made.
2	Definition – For the purpose of these guidelines, a claim is any representation which states, suggests, or implies that a food has particular characteristics relating to its origin, nutritional properties, nature, production, processing, composition or any other quality.
3.3	Prohibited claims – Claims which cannot be substantiated.
3.5	Prohibited claims – Claims which could give rise to doubt about the safety of similar food or which could arouse or exploit fear in the consumer.
4.1	Potentially misleading claims – Meaningless claims including incomplete comparatives and superlatives.
5.1(iii)	Conditional claims – Terms such as “natural,” “pure,” “fresh,” “home made,” “organically grown,” and “biologically grown” when they are used, should be in accordance with the national practices in the country where the food is sold. The use of these terms should be consistent with the prohibitions set out in Section 3.
5.1(v)	Conditional claims – Claims that a food has special characteristics when all such foods have the same characteristics, if this fact is apparent in the claim.
5.1 (vi)	Conditional claims – Claims which highlight the absence or non-addition of particular substances to food may be used provided that they are not misleading and provided that the substance: (b) is one which consumers would normally expect to find in the food; (d) is one whose presence or addition is permitted in the food.
Guidelines for Use of Nutrition and Health Claims	
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