

**REPORT OF THE UNITED STATES DELEGATE
ON THE 47th SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING**

**May 15 – 19, 2023
Gatineau (Ottawa), Canada**

The 47th Session of the Codex Committee on Food Labelling (CCFL47) met from May 15-19, 2023, in Ottawa, Canada. CCFL47 was chaired by Ms. Kathy Twardek of the Canadian Food Inspection Agency and had participants from 49 Member countries, one Member Organization (the European Union (EU)), and 23 Observer Organizations. The United States was represented by the Delegate, Dr. Douglas Balentine of the U.S. Food and Drug Administration, Center for Food Safety and Applied Nutrition; Alternate Delegate, Mr. Bryce Carson of the U.S. Department of Agriculture, Food Safety and Inspection Service; six government advisors; and three non-government advisors.

Overall, the session was successful and the United States achieved its major objectives of progressing work through the Codex step process, although no work will advance for final adoption to the 46th Session of the Codex Alimentarius Commission (CAC46, November 2023).

This report summarizes significant agenda items and issues discussed at CCFL47. The full official report of the session is available on the Codex website at: <https://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCFL&session=47>.

HIGHLIGHTS

Highlights from the 47th Session of CCFL include:

- Advancement of the following texts for interim adoption (Step 5) by CAC46:
 - Part A: Proposed Draft Revision to the *General Standard for Labelling of Prepackaged Foods (GSLPF)* (CXS 1-1985): Provisions Relevant to Allergen Labelling
 - Proposed Draft Guidelines on the Provision of Food Information for Pre-Packaged Foods Offered Via E-Commerce
 - Proposed Draft Guidelines on the Use of Technology to Provide Food Information In Food Labelling
- Creation of the following exploratory Electronic Working Groups (EWGs):
 - Sustainability-related labelling claims on food—co-chaired by the United States
 - Labelling provisions in emergency situations—chaired by the United States

At the conclusion of CCFL46, the Chair announced her upcoming retirement and indicated that her successor as the next CCFL Chair would be Dr. Parthi Muthukumrasamy of the Canadian Food Inspection Agency.

NEXT SESSION OF CCFL

The 48th Session of CCFL (CCFL48) is tentatively scheduled for 18 months from CCFL47 (i.e., sometime in late 2024), at a location still to be determined.

SUMMARY OF KEY MEETING TOPICS

CONSIDERATION OF LABELING PROVISIONS IN CODEX STANDARDS (ENDORSEMENT)

To Be Presented for Adoption at Next CAC? Yes

Have the United States' Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The U.S. objective was to approve endorsement of all provisions, except for the provision for mandatory labeling of the country of harvest, in the *Standard for Dried Floral Parts – Saffron* from the Codex Committee on Spices and Culinary Herbs (CCSCH).

Discussion in Relation to United States' Objectives

CCFL47 discussed the labeling provisions from the Codex Committee on Fresh Fruits and Vegetables (CCFFV) in the *Standard for Onions and Shallots* (CXS 348-2022), the *Standard for Berry Fruits* (CXS 349-2022), and the draft Standard for Fresh Dates. During the discussion, Thailand sought clarification on two issues: the first was related to how the provisions on “variety and/or commercial type,” “Name of produce” for consumer packages, and “commercial specifications” for non-retail containers align in CCFFV standards. The second issue was to clarify the application of the term “wild” to just wild cranberry and not all berries. In response to the former question, the Chair clarified that the language derived from the *Standard for the Labeling of Non-Retail Containers of Food* (CXS 346-2021) and *General Standard for Labelling of Prepackaged Foods* (GSLPF, CXS 1-1985) and differed as they apply to different labeling situations.

Regarding the mandatory declaration of country of origin and country of harvest labeling endorsements sent forward by CCSCH, and in particular the *Standard for Dried Floral Parts – Saffron*, Canada intervened to note that mandatory declaration of country of harvest was inconsistent with the provisions of the *GSLPF*, could increase trade barriers, and would not mitigate food fraud. The United States supported Canada’s intervention and stated that it does not support endorsing this labeling provision, and that the issue should be sent back to CCSCH for further consideration.

India strongly supported the mandatory declaration of country of harvest for saffron, stating that it was warranted in this unique situation because the commodity was of high value and subject to fraud. The EU also supported endorsing mandatory country of harvest labeling.

The Committee held an active discussion on the processing of saffron and whether it would change the country of origin. The United States intervened to state that voluntarily labeling of country of harvest would be sufficient to communicate this information if it were deemed important, and to restate that mandatory country of harvest labeling did not solve the issue of food fraud. Several countries supported the U.S. intervention and noted that there was a need for more clarification from CCSCH. Noting the lack of consensus, the Chair proposed endorsing the labeling provisions for saffron except the country of origin and country of harvest provisions and recommended returning these to CCSCH to request its rationale for how mandatory labelling of both would prevent food fraud.

Outcome/ Conclusion

CCFL47 agreed to endorse the labeling provisions from CCFFV in the *Standard for Onions and Shallots* (CXS 348-2022), *Standard for Berry Fruits* (CXS 349-2022), and the draft Standard for Fresh Dates and to request clarification from CCFFV on the application of the term “wild.”

CCFL47 agreed to endorse all the labeling provisions in the *Standard for Dried Floral Parts – Saffron* except the country of origin (Section 8.3.1) and the country of harvest (Section 8.3.2) and to refer the two provisions back to CCSCCH for reconsideration. It also requested that CCSCCH clarify the distinction between country of origin and country of harvest, provide the rationale as to why the country harvest should be mandatory, and how such a declaration may prevent food fraud.

As there were no objections, the CCFL endorsed the labeling provisions from the CCSCCH in the standards for Dried and Dehydrated Garlic (CXS 343-2021), Dried and Dehydrated Chili Pepper and Paprika, Dried Small Cardamom, and Spices in the Form of from Dried Fruits and Berries (Allspice, Juniper Berry, Star Anise). CCFL47 also endorsed the labeling provisions in the regional standards from the FAO/WHO Coordinating Committee for Asia (CCASIA) for Soybean Fermented Products with *Bacillus* species and Cooked Rice Wrapped in Plant Leaves.

ALLERGEN LABELLING

To Be Presented for Adoption at Next CAC? Yes

Have the United States’ Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The U.S. objective was to build on the progress of the Virtual Physical Working Group (VPWG); advance Section 5.1 Proposed draft revision to the *GSLPF* – Provisions relevant to allergen labeling; support the recommendation to have the draft Guidelines on the Use of Precautionary Allergen Labelling as an annex to the *GSLPF*; and maintain the option of using the term Advisory Allergen Labelling.

Discussion in Relation to United States’ Objectives

Australia, the chair of the EWG and the VPWG, presented the Working Groups’ (WG) reports and summarized the key points of discussion. The CCFL Chair proposed that the discussion focus mainly on Part A regarding the revision to the *GSLPF* and then on Part B regarding the proposed draft guidance on Precautionary Allergen Labeling (PAL).

Part A: Proposed Draft Revision to the *GSLPF*: Provisions Relevant to Allergen Labelling

The VPWG Chair introduced the recommendations from the VPWG on Part A, noting that it had taken into account the scientific advice from the Expert Consultation on the Risk Assessment of Food Allergens. The CCFL Chair reminded the Committee that when new work on allergen labeling was approved by the 45th Session of the Codex Alimentarius Commission (CAC45) (2022), it was noted that the work was closely linked to the allergen management work by the Codex Committee on Food Hygiene (CCFH). The VPWG Chair therefore invited CCFL47 to

consider providing advice to CCFH to ensure consistency with the *Code of Practice on Allergen Management for Food Business Operators (FBOs)* (CXC 80-2020).

Definition of Terms

The Committee generally agreed to the definitions proposed by the VPWG. The United States supported the definitions as proposed and noted that several provisions relate back to allergens as the allergenic food source. Japan supported the U.S. intervention, adding that several provisions in the revision to the *GSLPF* mention allergens. In light of these comments, there was broad support by the Committee to include a definition for “food allergen.”

The United States proposed a definition¹ for “food allergen” that was aligned with the Expert Consultation. Some delegations questioned the word “substance” and whether it included both ingredients and food additives. There was also a proposal to include “processing aids.” CCFL47 eventually agreed on the following definition for “food allergen:” a food or ingredient [or substance or processing aid] used in food, usually a protein or protein derivative that can elicit IgE-mediated or other specific immune-mediated reactions in susceptible individuals.”

The United States also voiced support for definitions of “food allergy” and “celiac disease” as proposed because they were consistent with the definitions in the Expert Consultation report.

Section 4.2.1.4

The FAO representative explained how the Expert Consultation determined the global priority allergen list captured in this section, which was based on prevalence, potency, and severity criteria that allowed the experts to rank the food allergens and categorize them based on priority. The Committee generally supported this Section and commented on the need to have methods of detection and analysis available.

Many of the same suggestions voiced in the VPWG discussion were made by Members during plenary, including proposals from several Asian countries to move sesame from the global priority allergen list in 4.2.1.4 to the regional allergen list in 4.2.1.5, as well as a concern with the exclusion of soybean from the list in 4.2.1.4. The representative from the Expert Consultation advised CCFL that the decision to exclude soybean but include sesame in the global priority list was based on a combination of the factors in the risk assessment stemming from all three criteria (prevalence, potency, and severity) and Chapter 6 of Report 2² of the Expert Consultation on sensitivity analysis of all allergens. He further noted that one food cannot be removed/included from a list without making other related changes as well.

The data on soybean was outdated when it was originally included (circa 1995), but now with new global data on soybean, it did not meet the risk threshold for all three criteria. Based on new global data, the severity of sesame was very high in at least three regions across the world. The representative also noted that the experts waited for specific sesame data to establish thresholds. In light of the scientific advice, the Chair noted that there would be implications to changing the list and sought agreement to accepting the list as proposed by the VPWG. CCFL47 agreed to maintain Section 4.2.1.4 as proposed by the VPWG.

¹ U.S. proposed definition for Food Allergen: “a food or ingredient used in food, usually a protein or protein derivative that can elicit IgE-mediated or other specific immune-mediated reactions in susceptible individuals.”

² *Risk Assessment of Food Allergens Part 2: Review and Establish Threshold Levels in Foods for the Priority Allergens*

Section 4.2.1.5

The VPWG Chair introduced new proposed text to better capture the comments made in the VPWG. The newly proposed chapeau indicated that the inclusion of foods and ingredients from 4.2.1.5 in an allergen declaration would be based on available risk assessment data for the respective populations, taking into account risk management considerations. The United States, along with the EU, supported the proposed chapeau and footnotes. New Zealand, although initially not in favor of this section, agreed to support the redrafted chapeau and proposed footnote in the spirit of compromise. Other Members voiced their support for the proposal and the Committee agreed to adopt the revised chapeau as proposed.

Regarding oats, the United Kingdom (UK) intervened to state that oats did not meet the criteria for inclusion in Sections 4.2.1.4 or 4.2.1.5, and that due to risk management considerations for the celiac community, a separate provision (similar to the provision for sulfites) requiring the declaration of oats should be included. The VPWG Chair noted a lack of consensus during the WGs on whether oats should be included in the regional list and/or dealt with as a cross-contamination issue through PAL, or have its own precautionary provision. The VPWG Chair clarified that oats were included in Section 4.2.1.5 to be considered from a risk management perspective at the national and/or regional level. The United States intervened to agree that oats are a cross-contamination issue that would be better dealt with through a PAL framework, but also stated that oats could perhaps remain on the list in Section 4.2.1.5 even though they did not meet the criteria for inclusion from the Expert Consultation.

The FAO representative advised that pure oats are not a food allergen that would normally be included in Section 4.2.1.5, but due to cross-contamination, oats were included in this list. The UK intervened again to raise their concerns that the PAL guidance had not progressed sufficiently to deal with oats, and that since oats are almost always cross-contaminated they needed to remain on the list if a separate provision was not added. CCFL47 agreed to retain oats on the list in Section 4.2.1.5 and flag it for further consideration in an EWG.

Section 4.2.1.7

There was active discussion regarding whether the concentration of sulfite applied to the final product “as consumed,” “as prepared,” or “as sold,” among other proposals. New Zealand stated that the provision should apply to the product as sold for safety reasons since preparation of the product is out of the manufacturer’s control. The United States noted that if the provision applies to the product as sold, then the level established for sulfites would not necessarily be based on the exposure. The VPWG Chair clarified that there were no new risk assessment data for sulfites and that the WG used data from earlier work by the Joint FAO/WHO Expert Committee on Food Additives (JECFA) on the “final product.” While CCFL47 agreed it was important to clarify to what the sulfite concentration applied, there was no consensus on how to express the provision, so some clauses remain in square brackets for further consideration.

Section 8.3

The VPWG Chair clarified that the VPWG had placed 8.3.1 and 8.3.2 in square brackets for consideration during plenary. China raised concerns that the requirement in 8.3.1 would have trade implications for many operators in different countries and proposed combining 8.3.1 and 8.3.2 to provide flexibility. This proposal was supported by several other delegations.

Although the CCFL Chair pointed out that the recommendation from the VPWG to include “whenever possible” in 8.3.2 granted a similar flexibility, the VPWG Chair clarified that the declaration of allergens in 4.2.1.4 is meant to occur in the list of ingredients, but different regions need flexibilities to declare the specified name for the allergens in the ingredient list and/or in a “contains” statement. The EU commented that different mechanisms are well established by Codex members and effective for their respective populations and thereby introduced a proposal to accommodate both options for declaration.

CCFL47 agreed to keep the various proposals around the key provisions in square brackets for further consideration in an EWG and to advance the draft revisions to Step 5 for interim adoption by CAC46.

Part B: Proposed Draft Annex to the *GSLPF*: Guidelines on the Use of Precautionary Allergen Labelling (PAL)

The VPWG Chair noted that CCFL47 needed to consider the location of the guidelines, whether and how to seek advice from the Codex Committee on Methods of Analysis and Sampling (CCMAS) on analytical and sampling methods, and whether to provide advice to CCFH to align provisions with the *Code of Practice on Allergen Management for Food Business Operators (FBOs)* (CXC 80-2020). The CCFL Chair further noted that the Expert Consultation’s Report 3 on Precautionary Allergen Labeling had not yet been published and proposed that the discussion focus on general comments and the questions from the WG.

CCFL47 generally agreed that the guidelines should be made an annex to the *GSLPF* to ensure consistency and to facilitate adoption of PAL. Some concerns were raised about the mandatory inclusion of a risk assessment to determine whether PAL should be applied. Members raised questions about whether the reference doses would be updated and whether an Elicited Dose 5% (ED05)³ was sufficient to protect consumers. Other questions around methodology and sampling plans were raised, highlighting the need to seek CCMAS’ advice.

The United States intervened to note the progress on the text and to remind the Committee of the need to decide whether PAL should be mandatory or discretionary. The United States further emphasized the need to engage with CCFH to understand how the principles will be applied to hygienic practices by FBOs since that is where risk assessment practices will be articulated. The United States also clarified that the table in the proposed text provides reference doses and that the Expert Consultation provides information on how to translate the reference doses into action levels. Finally, the United States noted that there will be discussion around ED05 and ED01 that takes into account that methods of analysis may be limited at the ED01. To this effect, the United States proposed text to request advice from CCMAS. Two Members refined this text to include details on sampling plans and methods.

The VPWG Chair clarified that the report from the Expert Consultation on PAL (Report 3) will be published and available to consider in advance of CCFL48 (Report 3⁴ has since been published). Additional suggestions included adding qualitative analysis to quantitative analysis in the

³ ED05 is the amount/dose of protein from a specific priority allergen that is predicted to cause objective symptoms in 5% of the allergic population

⁴ *Risk Assessment of Food Allergens Part 3: Review and Establish Precautionary Labelling in Foods of the Priority Allergens*

guidelines. The Chair recommended, and the Committee agreed, to return the PAL to Step 2 and establish an EWG to progress the work prior to the next session.

Outcome/ Conclusion

Regarding Part A, CCFL47 agreed to forward the proposed draft revision to the *GSLPF*: Provisions Relevant to Allergen Labelling to CAC46 for interim adoption at Step 5. The Committee also agreed to re-establish the EWG, chaired by Australia and co-chaired by the United Kingdom and United States, to further develop the revision, taking into account the discussions at this session, for consideration by CCFL48. Furthermore, CCFL will inform CCFH of the progress of the work and in particular draw their attention to the definition of food allergens and the lists of allergens in 4.2.1.4 and 4.2.1.5. Finally, the Committee agreed to keep open the possibility to hold a physical working group (PWG) or virtual working group (VWG) immediately prior to the next session.

Regarding Part B, CCFL47 agreed to return the proposed draft Annex to *GSLPF* – Guidelines on the use of precautionary allergen labelling to Step 2 for redrafting. The same EWG tasked with working on Part A will work on Part B, taking into account the discussions and comments submitted at CCFL47, for consideration by CCFL48. The Committee also agreed to request CCMAS to recommend suitable analytical methods and guidance on their validation and application, including sampling plans for determining allergenic protein in foods.

PROPOSED DRAFT GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PRE-PACKAGED FOODS OFFERED VIA E-COMMERCE

To Be Presented for Adoption at Next CAC? Yes

Have the United States’ Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The U.S. objective was to propose an alternative definition to “e-commerce” tailored to CCFL and to progress the draft Guidelines to Step 5 (interim adoption).

Discussion in Relation to United States’ Objectives

The UK, as Chair of the EWG, introduced the work completed thus far and presented the issues that remained for plenary discussion which included: the status of the text as a standalone guideline, alignment of terms, definitions for “e-commerce” and “minimum durability,” text related to “national legislation,” and the approach to Section 5.3 which dealt with durability indication and a small unit exemption.

The Chair proposed that CCFL47 first consider the guidelines as a standalone text or as supplementary text to the *GSLPF*. Support for a standalone text centered on the provisions existing beyond the scope of the *GSLPF*, the physical label, and the new definitions that were developed for this work. Support for its inclusion in the *GSLPF* as a supplementary text focused on their similarities and the interconnectedness of the two texts. The Codex Secretariat intervened to provide information on a new format on the Codex website which will link interrelated texts. With this feature in mind and the discussion in plenary, CCFL47 agreed to develop the guidelines as a standalone text.

Regarding the Scope (2.1), the Committee heard a suggestion to clarify that the food information subject to these guidelines was the food information “to be displayed on the product information e-page.” The United States, EU, and Australia intervened to support the suggestion, noting that it helped frame the scope of the guidelines. Other concerns were raised about the meaning of the text “and certain aspects relating to the presentation thereof.” The EU suggested deleting it for clarity. The United States intervened to raise that this text was in the *GSLPF* and that if this was to be standalone document, it would be useful to retain this language. New Zealand, India, and Brazil also supported maintaining the text.

Regarding the definitions section, there was lively discussion around the EWG’s proposed definition for “e-commerce,” which the Committee referred to generically as the “WTO definition.” The EU stated that it supported alignment with the “WTO definition” as it is already in use and there would be no value in modifying it. The United States intervened to inform the Committee that the “WTO definition” was developed for the purposes of the e-commerce work program in the World Trade Organization (WTO) and that the definition was never negotiated or agreed to be part of a legal framework. The United States did not support incorporation of such a definition in a Codex standard that has trade implications and instead suggested a new definition.

Some Members supported “the WTO definition” without modifications, others proposed amendments to the proposed definition to be more appropriate for CCFL’s scope. The United States noted that “the WTO definition” was too broad and not clear, and indicated support for a modified definition with the addition of prepackaged foods. India encouraged the Committee not to lose sight of the applicability to food as well. Capturing the various viewpoints, CCFL47 agreed to the following proposed definition for “e-commerce:” “The production, distribution, marketing, sale or delivery of goods and services by electronic means as applicable to foods.”

In the discussion around the proposed definition for “food information,” the EU proposed a significant edit to the definition which would change the meaning and the intention of this definition. Argentina supported the original proposed definition because it is also used in other Codex texts and the information provided for prepackaged foods. Several Members, including the United States, supported the original definition and Argentina’s intervention. The Codex Secretariat observed that the original definition was ambiguous in having “subject to a Codex text” directly follow “prepackaged food” as it may be interpreted only to apply to texts that have commodity standards. The Secretariat proposed re-ordering the clauses to clear up the ambiguity and the Committee agreed to adopt the Secretariat’s editorial changes to the definition.

CCFL47 discussed the definition “prior to e-commerce sale” and heard differing views on the timing of payment and commitment to place an order. There was significant discussion on whether the definition should include “regardless of payment,” “before making any payment,” “without making a payment.” The United States intervened to offer a clearer definition: “before consumers commit to ordering and purchasing the food” to capture that consumers should have all the food information prior to placing the order. There was strong support for the U.S. proposal and the Committee agreed to the new definition.

Regarding Section 5 on Food Information Principles, there were no objections to removing the bullet in 5.1 regarding “any national legislation.” CCFL47 also agreed to the provision in 5.2 to direct consumers to check the food information on the physical label before consumption.

The Committee discussed the provisions for a period of durability and exemption for small units in Section 5.3 at length. Regarding the latter, some Members felt strongly that a small unit exemption was not necessary for e-commerce, citing that there are no space limitations in the virtual space. Thailand was not in favor of removing the small unit exemption citing that online sellers of food in small units are sometimes not the product owners and cannot access the full information on the physical product. The United States supported Thailand’s intervention and highlighted that removing the small unit exemption may create a barrier to entry for FBOs on e-commerce platforms if they do not have access to full food information on small packages. The United States offered a provision to encourage FBOs to provide additional information which is otherwise exempted for small packages. Although several Members supported this suggestion, there was no consensus so the text remains in square brackets for further consideration.

With regard to the period of durability, the Committee did not find consensus. Canada strongly supported date marking; the EU did not agree with use of the term “minimum durability” and preferred “use-by date” as defined in the *GSLPF*. Several Members raised concerns about difficulties in implementing the durability provision as originally proposed in the EWG report, and the CCFL Chair noted general agreement to remove the mention of “competent authority” as originally proposed in the EWG report. The CCFL Chair noted that several members’ concerns around the need for flexibility in date marking meant that the text should provide that flexibility. The Chair proposed: “An indication of the expiry date/best before date/best quality before date/use-by date/expiration date of the prepackaged food is encouraged to be provided.” Delegations generally supported this as a compromise, but some continued to raise concerns with the term “encouraged.” CCFL47 agreed to keep the provisions in square brackets for further consideration.

The EU proposed including a new principle under Section 5, as new Section 5.4 that would state: “the information on prepackaged foods offered for sale via e-commerce shall be provided without any cost for the consumer.” This proposal was also included in square brackets for further consideration.

Outcome/ Conclusion

CCFL47 agreed to forward the Proposed Draft Guidelines on the Provision of Food Information for Prepackaged Foods to be Offered via E-Commerce to CAC46 for interim adoption at Step 5. It also agreed to re-establish the EWG, chaired by the UK and co-chaired by Chile, Japan, India and China, to further develop the Guidelines focusing on the text in square brackets and taking into account the discussions at CCFL47. The Committee also agreed to keep open the possibility of a PWG or VWG prior to CCFL48.

**PROPOSED DRAFT GUIDELINES ON THE USE OF
TECHNOLOGY TO PROVIDE FOOD INFORMATION IN FOOD LABELLING**

To Be Presented for Adoption at Next CAC? Yes

Have the United States' Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The U.S. objective was to further refine the principles as additional clarification was needed prior to advancing the proposed draft guidelines to Step 5 for interim adoption.

Discussion in Relation to United States' Objectives

During the plenary session, the Committee agreed to amend the title for clarification as a stand-alone text. The Committee also agreed to align the definition of "food information" to be consistent with how the issues of minimum durability and date marking are dealt with in the proposed guidelines for e-commerce. At the suggestion of the Codex Secretariat, a section on "Use" was included to emphasize that the text should be read in conjunction with other Codex texts related to the labelling of prepackaged foods, including but not limited to the *GSLPF*.

There was robust discussion around how dates related to the food would be noted. For clarity, "date marking" replaced "best before date." The Committee also discussed the concept of "equal access" to technology, so it was changed to "adequate access" and agreed to add a consideration that there be evidence of similar consumer understanding of the technology. Argentina and several other delegations expressed views that technology should not be used to replace mandatory information on food labels.

Based on a U.S. intervention on terminology, the Committee agreed to replace "purchaser" with "consumer," with a footnote to the *GSLPF* definition to clarify that the text did not apply to non-retail containers which were dealt with in the *General Standard for the Labelling of Non-Retail Containers of Foods* (CXS 346-2021).

The Committee also discussed the concept of preventing the mixing of food information and advertising. Additional text was added in square brackets for further deliberation. The United States intervened to suggest that all of Section 6 be square bracketed for further consideration.

Outcome/ Conclusion

CCFL47 agreed to forward the proposed draft Guidelines to CAC46 for interim adoption at Step 5. It also agreed to re-establish the EWG, chaired by Canada and co-chaired by India and New Zealand, to further develop the guidelines with a special focus on the text in square brackets, while noting that the whole document remains open for further deliberation.

DISCUSSION PAPER ON THE LABELLING OF ALCOHOLIC BEVERAGES

To Be Presented for Adoption at Next CAC? No

Have the United States' Objectives Been Met? No

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The U.S. objective was to support removal of this item from the agenda since a Discussion Paper (DP) was not made available for consideration.

Discussion in Relation to United States' Objectives

The CCFL Chair noted that no DP had been prepared for this session and that the Committee should consider whether it was interested in keeping the labelling of alcoholic beverages on the agenda. The CCFL Chair also sought expressions of interest from Members regarding leading any potential new work. There were no offers from Members.

The representative from the WHO highlighted that there is regulatory divergence among countries with regard to alcohol labeling. The representative further noted that alcohol labeling increases awareness of health risks and product composition and reminded the Committee that Member States unanimously adopted the WHO Action Plan 2022-2030 which calls on countries to reduce harmful use of alcohol. The WHO recommended that the matter be maintained on the CCFL agenda and proposed, in the absence of a Member offering to lead the work, that a CL could be issued and the WHO could prepare a DP to be presented at CCFL48.

Several Members raised concerns around whether Codex procedure would allow the item to remain on the agenda. Argentina raised that if no Members have come forward with a DP for this topic at the last few sessions, then it seems that no Members currently want to work on this topic. The United States intervened to state that if no Member was interested in leading work at this time, it should be removed from the agenda and when a Member proposes to lead new work on this topic, it can go through the normal process for new work proposals and could then be added back on to the agenda. The Codex Secretariat notified the Committee that WHO and FAO have the right to propose and maintain agenda items on committee agendas.

The EU intervened to thank WHO for putting this on the agenda and agreed to keeping it on the agenda for further consideration; Norway also supported this position, although neither offered to develop and/or lead potential new work.

Outcome/ Conclusion

CCFL47 agreed to retain the topic of labelling of alcoholic beverages on its agenda since the WHO indicated that they would prepare a DP for consideration at CCFL48, based on the outcome of a forthcoming CL on possible future actions by Codex on this matter.

**DISCUSSION PAPER ON LABELING OF FOODS IN
JOINT PRESENTATION AND MULTIPACK FORMATS**

To Be Presented for Adoption at Next CAC? Yes

Have the United States' Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The U.S. objective was to support that work in this area be limited to minor amendments to the *GSLPF* to clarify how the existing labeling rules should be applied to prepackaged foods in joint presentation and multipacks.

Discussion in Relation to United States' Objectives

Colombia presented the DP to take up new work to revise the *GSLPF* to provide information to the consumer in a single label to prevent confusion in joint presentation or multipack formats.⁵ The new work would amend the *GSLPF* to clarify that the label must meet the requirements for labeling individual units. Responses from a recent CL indicated that joint presentation and multipack are not defined in all countries, and that different countries either have different regulations for multipack and joint presentation or depend on prepackaged food labeling regulations.

Tanzania, Jamaica, Brazil, Trinidad and Tobago, Ecuador, Haiti, Costa Rica, Argentina, Chile, and Cuba supported the new work. Kenya encouraged Colombia to consider the guidance on non-retail containers but did not object to new work.

Outcome/ Conclusion

The Committee agreed to start new work on labeling of prepackaged foods in joint presentation and multipacks with a focus on minor amendments to the *GSLPF* and to establish an EWG, chaired by Colombia and co-chaired by Jamaica, to prepare a draft text for CCFL48.

⁵ For example, a joint presentation is prepackaged spaghetti with powdered cheese sauce; a multipack format is six containers of milk packaged together in a secondary package.

**DISCUSSION PAPER ON LABELLING EXEMPTIONS
IN EMERGENCY SITUATIONS**

To Be Presented for Adoption at Next CAC? No

Have the United States' Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The U.S. objective was originally for CCFL47 to approve this proposal as new work; however, the United States appreciates that an exploratory EWG will continue the discussion in the Committee.

Discussion in Relation to United States' Objectives

The United States presented the DP and project document on food labelling exemptions in emergencies. The United States noted the COVID-19 pandemic and other supply chain disruptions and that current Codex texts do not provide for flexibilities when they are needed. The new work intended to provide competent authorities high-level principles and criteria to facilitate decision-making during emergencies when food labeling flexibilities may be needed to facilitate safe and reliable food supply. The United States suggested that the proposed work exclude domestic flexibilities and focus on international trade. It was noted that there is a need for a flexible approach, harmonization in fair trade, and protection for consumers against being misled in cases of exemptions during emergencies. A CL was issued in March 2022 and the responses were incorporated in the DP presented at CCFL47. The United States noted key considerations in the DP and project document including the purpose of the proposed work, need for definitions of emergencies and flexibilities, high level principles and criteria, and potential roles, responsibilities, and processes. Upon reflection, the United States proposed changing the title of the document to "labeling flexibilities" rather than exemptions.

Delegations who supported the proposed new work noted that it would be important to set forth guidance in order to prevent abuse of flexibilities and support preparedness by competent authorities. Others were in favor of starting this work to assist in supply chain disruptions, stating its usefulness for countries in the future. Some supporters mentioned the need to remain high-level and continue discussion on what constitutes an "emergency."

The EU did not support the proposed work, citing the difficulty in anticipating the type of response needed for different future emergencies and suggested this can be handled on a case-by-case basis. They also voiced concern about lack of clarity in the definitions of flexibilities and exemptions. An observer noted that the definition of an emergency is political. Chile did not support a separate guideline in this area, but they did support an amendment to the *GSLPF*. While Argentina did not support new work at this time, they proposed a virtual workshop to discuss examples of emergencies, and to come back to CCFL48 with more information and concrete examples.

The United States pointed to the March 2022 CL and DP for examples of emergencies and clarified that the intent of the work is not to provide examples but rather to work on guidelines that would help countries' decision-making process when faced with emergencies. The United States noted that establishing an EWG would serve the same purpose as a workshop and would be a clearer way forward.

The CCFL Chair recognized that there are areas that need further discussion and development related to the meaning of emergency and flexibility.

Outcome/ Conclusion

The United States will develop an updated DP and project document through an exploratory EWG, taking place on the Codex EWG forum, on developing guidelines on the “Application of food labeling provisions in emergencies.” A CL may also be issued if needed before consideration at CCFL48.

DISCUSSION PAPER ON SUSTAINABILITY LABELING CLAIMS

To Be Presented for Adoption at Next CAC? No

Have the United States’ Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The United States did not support the proposed new work as it was originally proposed to the Committee at CCFL47.

Discussion in Relation to United States’ Objectives

New Zealand introduced the new work proposal and DP detailing greater consumer interest in the sustainability of food products and the plethora of sustainability labels on products despite lack of government regulation of these labels. New Zealand stated that CCFL had a role to play in light of the growing number of sustainability claims on food labels, many of which might not fulfil the requirements of the *General Guidelines on Claims* (CXG 1-1979), and thus there was a risk that consumers could be misled.

While there was general agreement that sustainability was an important topic for the world and for Codex, views differed on whether this was the right moment to start new work in Codex on sustainability related labelling claims and that perhaps further reflection was needed to better define what was to be achieved and what the consequences could be when implemented.

The United States intervened noting engagement, like many other Members, in several international fora discussing sustainability as it is important for countries to help manufacturers with their responsibilities. The United States sought clarity on the proposed new work in what makes substantiating sustainability claims different from other claims. Although the United States believes that the *General Guidelines on Claims* (CXG 1-1979) can be applied to sustainability claims, perhaps updating the claims framework (so it is strengthened and applicable to claims in general, including sustainability claims) is a better approach than developing new guidance specific to sustainability claims. Finally, the United States agreed that Codex and CCEXEC need to be clear on which committees need to consider sustainability issues.

The Secretariat stated that CCEXEC encouraged committees to continue work and not wait for finalization of the Codex Blueprint as it did not have a fixed completion date. The Chair asked if the Committee was ready to embrace new work on sustainability at a high level. Several

delegations responded in the negative, while a few voiced support. Since there was no consensus, the United States proposed a similar way forward as was agreed to with the proposed new work on the labeling provisions (formally exemptions) in emergency situations—a CL and an exploratory EWG for further discussions to produce a refined DP and project document for consideration at CCFL48.

The Chair concurred and clarified the proposal that the committee will not take up new work at this time, but that an exploratory EWG will be established to discuss main aspects to be covered, in respect to the *General Guidelines on Claims* and considering sustainability claims.

The United States offered to work with New Zealand and the EU as a co-chair on this EWG in order to ensure that the work would be more focused on amending the overall claims framework rather than focusing on sustainability claims. Costa Rica also volunteered to support the work of the group as a co-chair and have the work done in Spanish as well.

Outcome/ Conclusion

CCFL47 agreed to establish an exploratory EWG, taking place on the Codex EWG forum, chaired by New Zealand and co-chaired by the European Union, the United States, and Costa Rica to revise the DP and project document with a focus on stocktaking work being undertaken by other international organizations on sustainability-related labelling claims on food; identifying areas where CCFL could provide guidance on sustainability-related labeling claims on food; and identifying possible areas for revisions to the *General Guidelines on Claims* (CXG 1-1979) for claims in general, including sustainability-related labelling claims on food.