codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

JOINT OFFICE: Viale delle Terme di Caracalla 00153 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

ALINORM 07/30/22

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Thirtieth Session
Rome, Italy, 2-7 July 2007

REPORT OF THE THIRTY-FIFTH SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING

Ottawa, Canada, 30 April – 4 May 2007

Note: This document incorporates Circular Letter CL 2007/16-FL

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CX 5/15 **CL 2007/16-FL**
May 2007

TO: - Codex Contact Points
- Interested International Organizations

FROM: - Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, 00100 Rome, Italy

SUBJECT: **Distribution of the Report of the 35th Session of the Codex Committee on Food Labelling (ALINORM 07/30/22)**

A. MATTERS FOR ADOPTION BY THE 30th SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Draft Guidelines at Step 8 of the Procedure

1. Draft Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Annex 2 – Permitted Substances: Table 3 (para. 87, Appendix II)

Governments wishing to propose amendments or comments on the above documents should do so in writing in conformity with the Guide to the Consideration of Standards at Step 8 (see Procedural Manual of the Codex Alimentarius Commission) to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, at the above address **before 15 June 2007.**

Proposed Draft Guidelines and Standard at Step 5

2. Proposed Draft Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Annex 1 (inclusion of ethylene) (para. 96, Appendix IV)

3. Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients (para. 133, Appendix V)

4. Proposed Draft Definition of Advertising in Relation to Nutrition and Health Claims (para. 140, Appendix VI)

Governments wishing to submit comments on the implications which the Draft Amendment may have for their economic interests should do so in writing in conformity with the Procedure for the Elaboration of World-wide Standards at Step 5 to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, at the above address **before 15 June 2007**.

B. REQUEST FOR COMMENTS AND INFORMATION

Draft Guidelines at Step 6 of the Procedure

5. Proposed Draft Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Annex 2 – Permitted Substances : Table 3 (Other substances) (para. 87, Appendix III)

Governments and international organizations wishing to submit comments should do so in writing to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, at the above address, with a copy to Mr. Ron B. Burke, Director, Bureau of Food Regulatory International and Interagency Affairs, Health Products and Food Branch, Health Canada, Bldg No. 7, Room 2395, Tunney's Pasture, Ottawa K1A 0L2, Canada, Fax No. 613.941.3537, E-mail: codex_canada@hc-sc.gc.ca, **before 15 November 2007.**

SUMMARY AND CONCLUSIONS

The summary and conclusions of the 35th Session of the Codex Committee on Food Labelling are as follows:

Matters for adoption by the 30th Session of the Codex Alimentarius Commission:

The Committee:

- agreed to advance to Step 8 the Draft Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Annex 2 – Permitted Substances: Table 3 (para. 87, Appendix II);
- agreed to advance to Step 5 the Proposed Draft Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Annex 1 (inclusion of ethylene) (para. 96, Appendix IV);
- agreed to advance to Step 5 the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients (para. 133, Appendix V);
- agreed to advance to Step 5 the Proposed Draft Definition of Advertising in Relation to Nutrition and Health Claims (para. 140, Appendix VI);
- agreed to discontinue work on the Proposed Draft Amendment to the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods*: Annex 2 – Permitted Substances : Table 1 (Natural Sodium Nitrate) (para. 92);

Other Matters of Interest to the Commission

The Committee:

- endorsed the labelling provisions in several Draft Standards, thereby allowing their adoption by the Commission (paras. 16 and 66-81);
- agreed to return to Step 6 for further comments the Draft Amendment to the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods*: Annex 2 – Permitted Substances :Table 3 (other substances) (para. 87, Appendix III);
- agreed to retain at Step 7 the Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods* (Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification/Genetic Engineering): Definitions and at Step 4 the Proposed Draft Guidelines for the Labelling of Food and Food Ingredients Obtained through Certain Techniques of Genetic Modification/Genetic Engineering: Labelling Provisions for further consideration at the next session taking into account the outcome of the physical working group established at the session (paras. 121-122);
- agreed to consider further the implementation of Global Strategy on Diet, Physical Activity and Health at its next session (paras. 59-64).

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INTRODUCTION

1) The Codex Committee on Food Labelling held its Thirty-fifth Session in Ottawa, Canada from 30 April to 4 May 2007, at the kind invitation of the Government of Canada. The Session was chaired by Dr. Anne MacKenzie, Senior Science Advisor, Science Branch, Canadian Food Inspection Agency. The session was attended by 315 delegates representing 81 Member countries, one Member Organization, European Community (EC), and 27 international organizations. A complete list of participants is attached as Appendix I to this report.

ADOPTION OF THE AGENDA (Agenda Item 1)[1]

2) The Committee adopted the Provisional Agenda but noted that the working group on Agenda Item 4 had only met on the Sunday preceding the meeting and the plenary discussion should not be held before the second day of the meeting. The Committee also agreed with the request of the working group on Agenda Item 6 that had met prior to the session to hold an additional meeting during the session in English only and not to hold the plenary discussion before the third day of the session. The Delegation of Mexico regretted that the meeting would be held without interpretation.

3) The Delegation of the EC explained to the Committee the division of competence between the European Community and its Member States according to Rule II.5 of the Rules of Procedure.

MATTERS REFERRED TO THE COMMITTEE (Agenda Item 2)[2]

MATTERS REFERRED TO THE COMMITTEE BY THE COMMISSION (Agenda Item 2a)

Draft Revised Standards for Cheddar (C-1) and Danbo (C-3)- Proposed Draft Revised Standard for Edam (C-4), Gouda (C-5), Havarti (C-6), Samso (C-7), Emmental (C-9), Tilsiter (C-11), Saint-Paulin (C-13), Provolone (C-15), Cottage Cheese (C-16), Coulommiers (C-18), Cream Cheese (C-31), Camembert (C-33), Brie (C-34) and Proposed Draft Standard for Mozzarella

4) The Committee recalled that the Commission had agreed to adopt the proposed draft standards at Step 5, advance them to Step 8 with the omission of Steps 6 and 7 and to retain all standards at Step 8 pending further discussion of Section 7.2 "Country of Origin" at this session, with the understanding that the 30th Session of the Commission would revisit the matter, taking into account the view of the CCFL. The Commission had further noted that in its deliberations on Section 7.2, the CCFL would take into consideration the fact that the General Standard for Labelling of Prepackaged Foods had provisions for Country of Origin which referred to the country of manufacture while in many of the individual cheese standards, generic regional names were specified (ALINORM 06/29/41, paras. 83-89).

5) The Observer of the International Dairy Federation introduced document CX FL 07/35/2-Add.1 recalling the compromise reached in the Committee on Milk and Milk Products (CCMMP) and addressing the issues mentioned by the Commission. The Observer explained the special situation of the C-standards where the cheese names in the past had geographic connotations due to the fact that they originated from a certain country while currently there is world-wide trade and production. The CCMMP had included section 7.2 on mandatory labelling of the country of origin meaning the country of manufacture in these standards to ensure the same labelling practice for products manufactured in countries from which the name historically originated and in other countries. The Observer stressed that such mandatory country of origin labelling was specific to these standards only and had no impact on the labelling of cheese in general, other milk products or any other food.

6) The Committee welcomed the clarifications given by the IDF and while there was consensus on the need to adopt the updated cheese standards, delegations expressed different views as to whether the clarifications sufficiently justified the inclusion of 7.2 as proposed in the standards.

7) Several members and observers supported the inclusion of 7.2. They stressed that mandatory labelling of the country of manufacture for these specific standards was necessary to avoid misleading or deceiving the consumer. The Delegation of the European Community, supported by other delegations, noted that the vast majority of cheese variety names have a strong geographic connotation in the view of most consumers.

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[1] CX/FL 07/35/1, CRD 1 (European Community)

[2] CX/FL 07/35/2, CX/FL 07/35/2-Add.1, CX/FL 07/35/2-Add.2,CRD 9 (Comments of Canada and Switzerland), CRD 26 (Matters referred from CCFA), CRD 27 (Statement on cheese standards)

8) The Committee noted a proposal to indicate the country in which the name of the cheese historically originated in a footnote to the section.

9) Several other members were of the opinion that the names of the cheeses had become generic through global manufacture and trade and that provision 4.5.1 in the General Standard for the Labelling of Pre-Packaged Foods together with the composition provisions in the individual standards was sufficient to protect consumers. They stressed that mandatory country of origin labelling was not justified on food safety grounds, and created increased compliance costs for producers and that country of origin labelling was a matter for national governments to decide. These delegations also expressed concern that the endorsement of country of origin labelling would create a precedent for the inclusion of similar provisions in other standards.

10) Some delegations said that provision 7.2 as proposed by the CCMMP was already a compromise reached after long discussions and should be endorsed as the updated standards represented a significant improvement over the standards presently in force. They suggested to endorse section 7.2 and to include a statement in the report explaining the special situation of the cheese standards.

11) The Committee discussed the proposal to replace "country of origin" with "country of manufacture" as some delegations pointed out that it would clarify the labelling requirements. However the Committee agreed to retain "country of origin" as it was consistent with the General Standard.

12) After some discussion the Committee adopted the following position:

> The Committee highlighted the unique situation of the individual cheese standards in relation to the provisions requesting the indication of the country of origin on the label (section 7.2) and that this particular situation was linked to the fact that the majority of the variety names for cheeses have a geographical reference (e.g. the country of origin) in the existing standards. The Committee recognised that section 7.2 of the draft cheese standards preserves the generic nature of the names of these cheeses and promotes equitable labelling requirements. While noting that section 7.2 sets out mandatory country of origin labelling for the relevant C-standards, the Committee acknowledged that the omission of country of origin labelling is not misleading in all circumstances. Other than for these cheese standards the use of such labelling should be consistent with section 4.5.1 of the General Standard for the Labelling of Prepackaged Foods.

13) The Delegation of Switzerland, while not opposing the preceding statement as a whole, did not agree to the sentence: "The Committee recognised that section 7.2 of the draft cheese standards preserves the generic nature of the names of these cheeses and promotes equitable labelling requirements."

14) The delegations of Australia and New Zealand, while accepting the compromise, stated that this did not reflect a change in their position and that they remained opposed to the development and adoption of mandatory country of origin labelling provisions in international standards, including Codex.

15) The Delegation of Canada expressed its objection to section 7.2 as it did not support mandatory country of origin labelling in the standards since such provisions should be considered at the national level. However in the spirit of consensus, it supported the advancement of the standards for adoption by the Commission.

16) Based on the Committee highlighting the unique situation of the individual cheese standards, the Committee endorsed the provision in section 7.2 for the 16 individual cheese standards mentioned above as proposed by the CCMMP, as follows:

> ***"7.2 Country of Origin***
>
> *The country of origin (which means the country of manufacture, not the country in which the name originated) shall be declared. When the product undergoes substantial transformation[3] in a second country, the country in which the transformation is performed shall be considered to be the country of origin for the purpose of labelling."*

General Decisions of the Commission

17) The Committee noted the recommendations of the Commission in relation to the critical review and agreed to propose a time frame for each item under consideration in the Step Procedure as required.

[3] For instance, repackaging, cutting, slicing, shredding and grating is not regarded as substantial transformation

Committee on Food Additives

18) The Committee recalled that its last session had received a request from the Committee on Food Additives and Contaminants to clarify the labelling provisions for labelling of carriers and packaging gases. The Committee had agreed that before it could consider labelling provisions, functional classes had to be clearly defined and asked the CCFAC to clarify the conditions under which carriers and packing gases were considered as additives or as processing aids, possibly with some specific examples.

19) The Secretariat informed the Committee that the 39th Session of the Committee on Food Additives, which had met immediately prior to the CCFL, had agreed to retain carriers and packaging gases in the list of functional classes of food additives and had also agreed to defer to the CCFL to decide whether carriers and packaging gases should be labelled. In addition the CCFA had agreed to revise section 1. Foreword to delete the reference to labelling and section 3. International Numbering System (INS) to ensure consistency of the "technological purpose" of the additives listed with the revised classes. Section 2. Table of Functional Classes, Definitions and Technological Purposes had been finalised and retained at Step 7 pending completion of the revision of the other sections.

MATTERS REFERRED BY FAO AND WHO: DRAFT ACTION PLAN FOR IMPLEMENTATION OF THE GLOBAL STRATEGY ON DIET, PHYSICAL ACTIVITY AND HEALTH (Agenda Item 2b)[4]

20) The Committee recalled that the 29th Session of the Commission had agreed that WHO and FAO would prepare a document containing proposals for possible action by Codex and that it would be circulated for comments. The document and the comments received would be considered by the Committee on Nutrition and Foods for Special Dietary Uses and the Committee on Food Labelling. The views and recommendations of these Committees would then be forwarded to the 30th Session of the Commission for further guidance.

21) The Representative of WHO, when presenting the document, recalled that the Draft Action Plan was based on the recommendations from the Global Strategy, the responses received from Codex members in the FAO/WHO electronic forum and the comments made by delegates in the last session of the Committee as regards labelling issues. The Representative pointed out that the recommendations applying to labelling were intended to provide consumers with better information about the benefits and contents of foods. The first five recommendations deal with enhancing the role of nutrition labelling in providing consumers with information on the nutrient content of prepackaged food by ensuring that the information is always present, that it is aimed at reducing risk by including nutrients associated with risk of noncommunicable diseases (NCDs), that it is presented in a manner that is legible and understood by the consumer.

22) Several delegations expressed their support for the Global Strategy, while informing the Committee of the measures they had taken at the national level to ensure its implementation, and expressed their appreciation to WHO and FAO for preparing the Draft Action Plan. Some delegations suggested that the Committee should establish priorities when considering possible proposals for new work.

23) The Committee focused its discussions on the recommendations proposed in section A of CL 2006/44-CAC and made the following comments and proposals.

Guidelines on Nutrition Labelling

1.1 Amend the Purpose of the Guidelines to include a reference to providing the consumer with information to reduce risk factors for NCDs and to permit the dietary management of NCDs of public health significance

24) Many delegations expressed the view that the current purpose of the Guidelines was general enough to cover all aspects of nutrition labelling, including information related to the reduction of risk of NCDs and that it should not be amended. Some of these delegations also pointed out that NCDs were due to several causes and that nutrition labelling by itself did not address all other factors related to theses diseases.

25) The Delegation of Canada supported the amendment proposed as the current text was of a general nature and it was necessary to establish a specific the link with non communicable diseases in the framework of the Global Strategy. This position was supported by the Observer from NHF.

[4] CX/FL 07/35/3 (Comments of Australia, Guatemala, Malaysia, Mexico, New Zealand, Peru, United States, IACFO, ICBA, ICGMA, IDF), CX/FL 07/35/3-Add.1 (comments of European Community,Thailand), CX/FL 07/35/3-Add.2 (information provided by WHO), CRD 2 (Brazil, Canada, IBFAN), CRD 12 (India), CRD 14 (Indonesia), CRD 17 (CIAA), CRD 18 (Bolivia), CRD 20 (Republic of Korea)

26) The Committee agreed that there was not sufficient support to amend the current text of the Purpose of the Guidelines and noted that this issue could be reconsidered in the future if needed.

1.2Amend Subsection 3.1 to require that the Nutrient Declaration be mandatory on the labels of all prepackaged foods

27) The Representative of WHO indicated that this recommendation was fundamental to the Codex implementation of the Global Strategy, and that information on the nutrient content of a prepackaged food was as necessary as information on the ingredients in enabling a consumer to make an informed choice of foods.

28) Several delegations supported mandatory declaration of nutrients in principle but pointed out that the list of nutrients to be declared would need careful consideration. Several other delegations indicated that they supported mandatory labelling, although not for all foods and proposed a range of approaches that could be considered: establishing a list of foods that should be labelled; listing the exemptions that may be required due to the nature of the food or the size of the package; or leaving national authorities to decide the foods or food categories that should be labelled. Some observers proposed to discuss this issue further and to consider the practical difficulties related to the capacity of small businesses; exceptions for packages that were too small or not adequate for the purpose of nutrition labelling; and foods with minimal nutritional content.

29) Some delegations and observers supported general mandatory labelling in view of its importance to provide information to consumers The Delegation of Brazil informed the Committee that nutrition labelling was mandatory in Brazil and harmonised in the MERCOSUR countries. The Delegation of the United States recalled that it had over of decade of experience with the implementation of mandatory nutrition labelling, and that cost/benefit studies that took into account the impact on small businesses clearly demonstrate the considerable benefits of this approach in terms of public health.

30) Several delegations did not support mandatory nutrition labelling and stressed the difficulties that would be faced especially by developing countries for the following reasons: the cost of compliance, especially compositional analysis, was excessively high for small and medium businesses; this provision would be difficult to enforce in practice; consumers would not benefit from additional labelling information as they lacked nutrition education. These delegations indicated that emphasis should be put first on consumer education in order to develop awareness of nutrition issues in relation to NCDs and noted that mandatory labelling could be reconsidered at a later date.

31) Some delegations expressed the view that the decision as to the nutrients to be declared should be left to national authorities as dietary patterns varied from country to country and there may not be a need to declare the same nutrients in all countries. Some delegations pointed out that the impact of general nutrition labelling would be limited in those countries where the consumption of prepackaged foods was not generalised.

32) The Delegation of Germany, speaking on behalf of the Member States of the EC present at the session, indicated that nutrition labelling legislation was under review in the EC, and that mandatory labelling was one of the issues under consideration. The Delegation added that there were arguments both for and against mandatory nutrition labelling which need to be carefully considered and believed that issues within Codex should be informed by the experiences in those countries which have such legislation.

33) The Committee did not come to a conclusion on the need to amend sub-section 3.1 to require mandatory nutrient declaration.

34) The Chair noted that no decision on new work could be made at this stage and proposed that further action by the Committee should be decided from a general point of view after each item in the Draft Action Plan had been discussed.

1.3 Expand the list of nutrients that are always declared (paragraphs 3.2.1.1 and 3.2.1.2 of the Guidelines) to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fat, trans fatty acids and sodium.

35) The Representative of WHO pointed out that this recommendation expands the list of mandatory nutrients to include the nutrients identified by the Global Strategy as associated with the risk of NCDs (saturated fatty acids, trans fatty acids, added sugars and sodium), and that declaration of these nutrients is essential if consumers are to make informed choices of foods.

36) In reply to a question, the Representative of WHO indicated that the Global Strategy referred to unsaturated fats including both mono and poly-unsaturated, and did not establish a distinction between industrially produced and naturally occurring trans fatty acids. The Delegation of Canada supported the expanded list of nutrients as proposed by WHO and suggested to expand the list to include dietary fibre, to note the link between trans and saturated fats, and to remove the limit of 5% of the NRV for the declaration of amounts of vitamins and minerals.

37) Several delegations supported the proposed list of nutrients and indicated that it was consistent with their approach at the national level. The Observer from IACFO stressed its importance as an essential element of the Global Strategy.

38) Some other delegations indicated that they supported the proposed extension of the list, with the exception of trans-fatty acids, as this was not a priority at the national level due to the low consumption of trans fatty acids and nutritional status of their population. The Observer from IDF expressed the view that, while industrialised trans fatty acids were associated with NCDs, there was emerging scientific evidence to demonstrate the beneficial health effects of naturally occurring trans fatty acids, such as in milk and meat.

39) The Delegation of the United States indicated that consideration should be given to general mandatory nutrient labelling, as discussed earlier, and the list of nutrients to be declared when a claim was made, which was particularly important in order to provide information on nutrients associated with risks of NCDs, and therefore supported new work on the revision of the list.

40) Some delegations expressed the view that the current list of core nutrients should be retained and that the addition of any other relevant nutrient should be left to national authorities, which had the possibility to require additional nutrient declaration as specified in section 3.2.1.4 of the *Guidelines*.

41) Some delegations drew the attention of the Committee to the need to consider exceptions to the declaration of nutrients due to the size or type of package or the type of product concerned, for which such declaration may not be relevant.

42) Some delegations also noted that further research and studies on the impact of the nutrients mentioned in the proposal on public health was necessary before considering further the expansion of the list. The Committee noted a suggestion to ask the CCNFSDU to determine the nutrients which were of significance to public health. It was however recalled that the list presented in point 1.3 was proposed by WHO due to their public health significance, on the basis of an expert consultation and extensive scientific data.

43) The Committee did not come to a consensus on the revision of the current list of nutrients that should always be declared. The Chair concluded that this issue would require further discussion.

1.4 Develop additional criteria for the presentation of the Nutrient Description to enhance legibility

44) The Representative of WHO indicated that this recommendation was intended to enhance consumer recognition and understanding of the Nutrient Declaration and that general principles could be developed that would be universally applicable.

45) Some delegations supported the development of a standardised format as it would facilitate consumer understanding and use of nutrition labelling. Other delegations expressed the view that it may not be practical to develop a standardised format for a table of nutrients content at the international level as the presentation would necessarily differ from country to country, and that flexibility should be allowed for national authorities to decide on the most adequate presentation. Some delegations proposed to specify a standardized order that should generally be followed for the declaration of nutrients.

46) Some delegations pointed out that legibility was not the only issue to be addressed and that presentation was also important in order to ensure that nutrition labelling was really understood by consumers and allowed them to make an informed choice.

47) The Committee recognized that further consideration could be given to the development of criteria for the presentation of nutrient declaration in the future but did not agree to undertake any specific amendment at this stage.

1.5 Develop Nutrient Reference Values for nutrients that are associated with both increased and decreased risks of noncommunicable diseases

48) The Representative of WHO recalled that Nutrient Reference Values already exist for vitamins, minerals and protein. The recommendation to extend the declaration of Nutrient Reference Values to include nutrients associated with increase and decreased risk of NCDs is intended to assist consumers in assessing the significance of the amounts of these nutrients in foods.

49) The Committee recalled that the Committee on Nutrition and Foods for Special Dietary Uses had agreed to proceed with the consideration of the revision of the NRVs for vitamins and minerals and to ask the Committee on Food Labelling its advice concerning the revision and extension of the list of NRVs in the Guidelines for Nutrition Labelling to other nutrients associated with increased and decreased risk of non communicable diseases. The Committee had agreed that if this reply was positive it would consider new work on the revision and extension of the list to relevant nutrients at its next session.

50) The Delegation of South Africa expressed the view that the benefits of nutrients should be acknowledged and that the addition of nutrients to foods should be encouraged in order to ensure optimal nutrition and health. Furthermore, the Delegation was of the opinion that appropriate assessment procedures should be applied for nutrients, and should take into account empirical, clinical, statistical and peer reviewed processes.

51) Several delegations and two observers supported the expansion of the list of NRVs to macronutrients, especially saturated and trans fats, sodium, and dietary fibre especially in relation to the declaration of nutrients discussed under point 1.3 above.

52) Some delegations supported the revision of the NRVs for vitamins and minerals but pointed out that the addition of new NRVs was conditional on the expansion of the list of nutrients that should be declared. The Delegation of Germany, speaking on behalf of the Member States of the EC present at the session, noted that the priority should be the revision of NRVs for vitamins and minerals and that additional NRVs should be considered if they were criteria for claims. Several delegations expressed the view that it was therefore premature at this stage to take a decision on the addition of new NRVs. Some delegations expressed the view that NRVs for macronutrients could be established at the national level.

53) The Committee agreed with the proposal of the CCNFSDU to revise the list of vitamins and minerals but did not reach a conclusion on the extension of the list to other nutrients.

2. Nutrition Claims

2.1 Develop conditions for nutrient content claims for trans fatty acids and include restrictions on both saturated and trans fatty acids in the conditions for both nutrient content claims and comparative claims for saturated fatty acids and trans fatty acids

54) The Representative of WHO indicated that both saturated and trans fatty acids are identified by the Global Strategy as nutrients associated with increased risk of NCDs. The recommendation to develop conditions for claims for trans fatty acids and to include restrictions on saturated fatty acids and trans fatty acids in the conditions for nutrient content claims and comparative claims is aimed at providing incentives to reduce the trans fatty acid content of foods and to ensure that the content of saturated fatty acid is not increased when the trans fatty acid content is decreased and vice versa.

55) The Secretariat informed the Committee that this question had been considered in the CCNFSDU and that there had been no support to initiate work on nutrition claims for trans fatty acids. The Secretariat also recalled that the current reference to trans fatty acids in the Guidelines on Nutrition and Health Claims resulted from the FAO/WHO Expert Consultation on Fats and Oils in Human Nutrition held in 1993 and that further scientific advice had been required from FAO/WHO in this area by the CCNFSDU. The Representative of FAO informed the Committee that a scientific advisory meeting on fats and oils would be convened in the first half of 2008.

56) The Representative of WHO informed the Committee that the report of the Joint WHO/FAO/Expert Consultation, *Diet, Nutrition and Prevention of Chronic Disease* (WHO, 2003) also assessed the adverse health impact of TFA's and recommended a population nutrient intake goal of less than 1% energy.

57) No comments were made on this question and, taking into account the need for additional scientific advice, the Chair concluded that no new work would be undertaken on nutrition claims for trans fatty acids at this time.

58) The Committee agreed that point 3. Quantitative Declaration of Ingredients and point 4. Modification of Standardised Foods would be discussed respectively under Agenda Items 6 and 8.

Further action

59) The Committee discussed how to proceed further with the implementation of the Global Strategy. The Delegation of Canada, supported by several delegations, proposed to convene a physical working group prior to the next session in order to discuss further action. The Chair invited the Delegations of Canada, Argentina and Germany and other interested delegations to prepare terms of reference for the working group and a project document for new work that could to be proposed to the Commission. However it was not possible to prepare proposals for specific new work at the current session and the Committee discussed the mandate of a working group.

60) The Secretariat recalled that the mandate given to the Committee by the Commission was to give its advice on the proposals put forward by WHO in the Action Plan for consideration by the 30th Session of the Commission and that this would not be possible if the decision on further action was postponed to its 36th session in 2008.

61) The Committee considered proposed terms of reference specifying in the first paragraph that "The Working group is mandated to prepare proposals for the revision of the Guidelines on Nutrition Labelling". The Delegation of Germany, speaking on behalf of the Member States of the European Community present at the session, expressed the view that several amendments proposed in the Draft Action Plan were controversial and that it was not possible at this stage to decide whether a revision of the Guidelines would actually be undertaken. The Committee therefore amended the text to the effect that the working group was mandated "to evaluate which revisions are needed" to the Guidelines. As a result of some further discussion, the Committee agreed on the following mandate for the working group on the implementation of the Global Strategy.

62) The Working Group is mandated to evaluate which revisions are needed to the Codex Guidelines on Nutrition Labelling and the Codex General Standard for the Labelling of Prepackaged Foods in light of certain of the action items proposed by WHO/FAO in the Draft Action Plan for Implementation of the Global Strategy on Diet, Physical Activity and health (CL 2006/44-CAC).

63) The Working Group will:

- Consider issues identified during the 35th Session of CCFL on action items 1.2 (application), 1.3 (nutrients to be declared); 1.4 (presentation of nutrition information) and 3.1 (quantitative declaration of ingredients) contained in paragraph 48A (this order is as listed in CL 2006/44-CAC and should not be considered as a priority order)
- Identify and recommend work to be undertaken by CCFL with regard to these action items

64) To facilitate the work of the Working Group, the delegations of Canada and Argentina offered to prepare a background paper based on the written submissions to CCFL and comments of delegations at the 35th Session of the Committee on the Draft Action Plan. The background paper will be circulated prior to the Working Group meeting. The Committee agreed that the co-Chairs of the Working group, to be held immediately prior to the next session, would be Argentina, Canada and Germany and that the working languages would be English, French and Spanish.

Other matters arising from FAO and WHO

65) In addition to the information provided in the working document, the Representative of WHO informed the Committee that the WHO Regional Office for the Americas (AMRO/PAHO) recently formed a Task Force to reduce and eliminate industrially produced trans fatty acids (TFA's) from food supplies in the American Region. The Task Force, which includes experts from several countries in the Region, recommended various strategic and policy actions the first of which related to the need for food and nutrition labelling to refer to TFA's. In view of the interest expressed by several Regional Offices in this inititiave, the outcomes from present and future Task Force meetings will be shared with Regional Offices with the aim of discussing how further work could be moved forward. Consultations with various stakeholders, including food industries are planned to be held as part of this process.

CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS

(Agenda Item 3)[5]

Committee on Nutrition and Foods for Special Dietary Uses

Draft Revised Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants, Sections A and B (At Step 8) (ALINORM 07/30/26, Appendix II)

66) The Observer of the International Baby Food Action Network (IBFAN) was of the opinion that guidance on preparation, storage and handling should be given in the text to avoid problems due to *E. sakazakii* or *Salmonella* in powdered infant formula. As the Proposed Draft Codex Code of Hygienic Practice for Powdered Formulae for Infants and Young Children was presently at Step 2 of the Procedure, the Observer proposed to make reference to the WHO Guidelines on Safe Preparation, Storage and Handling of Powdered Infant Formula, which had been published 2007 by WHO in collaboration with FAO. The Observer suggested that the reference could be included at the end of paragraph 9.5.1 by replacing the words "Good Hygienic Practice (GHP)". This position was supported by the Observers from CI, ILAC and IACFO.

67) The representative of WHO informed the Committee of the basis of the development of the Guidelines, which built on two expert consultations held in 2004 and 2006 in response to requests from CCFH to assess the risks from *E. sakazakii* and other microorganisms in powdered infant formula. WHA Resolution 58.32 (2005) included a request for the development of Guidelines to address this type of contamination.

68) Several members did not agree to include a reference to the WHO Guidelines in paragraph 9.5.1 of the standard as proposed because work was still continuing in CCFH which could lead to confusion. Several other members did not agree to replace the mention of GHP with a reference to the WHO Guidelines as GHP had a broader coverage. It was also mentioned that the CCNFSDU had discussed this matter but had concluded that paragraph 9.5.4 already included the need for a warning about the health hazards of inappropriate preparation, storage and use.

69) The Committee endorsed the labelling provisions as proposed and noted the information provided on the recently published WHO guidelines.

Committee on Fresh Fruits and Vegetables

Draft Standard for Tomatoes (At Step 7)

Draft Standard for Table Grapes (At Step 8)

70) The Committee endorsed the labelling provisions as proposed.

Committee on Processed Fruits and Vegetables

Draft Standard for Pickled Fruits and Vegetables (At Step 8)

71) The Committee endorsed the labelling provisions deleting from paragraph 8.2.2 the phrase "if its omission would mislead or deceive the customer" in order to align it with the *General Standard for the Labelling of Prepackaged Foods*.

Draft Standard for Processed Tomato Concentrates (At Step 8)

72) The Committee endorsed the labelling provisions as proposed.

Draft Standard for Preserved Tomatoes (At Step 8)

Draft Standard for Certain Canned Citrus Fruits (At Step 8)

73) The Committee endorsed the labelling provisions replacing in 8.2.4 the phrase "the presentation style should be declared on the label of the food if its omission would mislead or deceive the consumer." with the words "the label should contain in close proximity to the name of the product such additional words or phrases that will avoid misleading or confusing the consumer." in order to align the text with other Codex standards for canned fruits and vegetables.

Committee on Fish and Fishery Products

Proposed Draft Amendment to the Standard for Canned Sardines and Sardine-Type Products (At Step 5 of the Accelerated Procedure)

[5] CX/FL 07/35/4 and Add.1; CRD 21 (Comments from Canada)

74) The Committee welcomed the compromise solution found in the Committee on Fish and Fishery Products (CCFFP) whereby the amendments to the labelling provisions were linked to the inclusion of a new species. In addition, it was clarified that the mention of "country" or "geographic area" in the labelling provision of the above standards allows for these elements to be part of the name of the product and that this was not related to country of origin labelling.

75) The Delegation of Canada, supported by the United States, noted the absence of clarity in the number of qualifiers and suggested restricting the number of elements that could be combined in a name to two in order to avoid overly long or confusing names as could happen if all 4 elements listed in the standard were to be used.

76) The Committee did not retain this proposal as many delegations strongly supported the text as proposed in the compromise reached in the CCFFP. The Committee agreed however to clarify the intention of the change proposed by Canada below.

77) The Committee endorsed the labelling provisions (section 6.1.1) as proposed and noted that the amendment proposed by the CCFFP allows for a choice between different combinations of qualifiers, but was of the opinion that it was not intended that national legislation require all four qualifiers together, but the minimum number of qualifiers possible be used to achieve Codex objectives.

FAO/WHO Coordinating Committee for the Near East Region

Draft Regional Standard for Canned Humus with Tehena

Draft Regional Standard for Canned Foul Medammes

Draft Regional Standard for Tehena

78) The Committee endorsed the labelling provisions as proposed.

Codex Committee on Food Hygiene

Draft Code of Hygienic Practice for Eggs and Egg Products (At Step 8)

79) The Delegation of the European Community stated that any treatment applied to table eggs such as pasteurization should be stated on the label as many consumers expected table eggs to be untreated. It was clarified that the provisions to address such an issue was already contained in paragraph 4.1.2 of the General Standard.

80) The Committee endorsed the labelling provisions as proposed.

Draft Guidelines on the Application of General Principles of Food Hygiene to the Control of *Listeria Monocytogenes* in Foods (At Step 8)

81) The Committee endorsed the labelling provisions as proposed.

GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (Agenda Item 4)[6]

82) The Chair of the Working Group held prior to the session, Ms. Carla Barry (Canada) presented the discussions and recommendations relating to Agenda Items 4a), b) and c), which had been considered as specified in the mandate given to the Working Group at the last session. The conclusions of the Working Group and the discussions of the Plenary Session are presented below according to the relevant Agenda Item.

DRAFT REVISED ANNEX 2: TABLE 3 (Agenda item 4a)

83) The Committee recalled that its last session had advanced Part 1 of the Draft Revised Table 3 to Step 8 and returned Part 2 to Step 6 for further comments. The 29th Session of the Commission had returned Part 1 to Step 6 for comments and further consideration in the Committee. Consequently both parts 1 and 2 of Table 3 had been circulated for comments at Step 6 and were presented for consideration at the current session.

[6] CX/FL 07/35/5 (comments of Costa Rica, European Community, Malaysia, Norway, Peru, Switzerland, Thailand, United States), CX/FL 07/35/5-Add.1 (Brazil, Kenya), CRD 5 (Brazil, Canada), CRD 12 (India), CRD 14 (Indonesia), CRD 18 (Bolivia), CRD 28 (Report of the Working Group)

84) The Chair of the Working Group indicated that Part 1 of the Table included the substances on which the Committee had agreed at the last session and several additional substances that had been transferred from Part 2 as they had met the criteria specified in the Guidelines and were allowed in the GSFA: Sulphur Dioxide, Sodium Dihydrogen Citrate, Sodium Tartrates and Potassium Tartrates, Carob Bean Gum, and Glycerol. It had also been agreed to delete Nitrous Oxide from the list of substances.

85) The use permitted for these substances had been updated as per the GSFA. As agreed at the last session, general food category listings were used whenever possible, and subcategory listings or individual food items were used where restrictions were required.

86) It was agreed to retain the following substances in square brackets in Part 2 of the Table: Sodium Nitrite, Potassium Nitrate and Ascorbate Salts pending further consideration by Codex members, JECFA and the Committee on Food Additives. The salts of orthophosphate, diphosphate and polyphosphates were also retained in square brackets as there were different views on the justification for their use in an organic system. The Committee agreed that these substances would require further consideration at the next session

Status of the Draft Revised Annex 2: Table 3

87) The Committee agreed to advance to Step 8 for adoption by the 30th Session of the Codex Alimentarius Commission the section of the Draft Revised Table 3 presented in Appendix II and to return to Step 6 the section presented in Appendix III for comments and consideration at the next session.

Proposed Draft Revised Annex 2 : Table 1 (Natural Sodium Nitrate) (Agenda Item 4b)[7]

88) The Delegation of Chile recalled that it had provided all required justification and scientific information on natural sodium nitrate, as assessed against the criteria in the Guidelines, but that the delegations that had opposed its inclusion had not provided similar technical justification in their written comments, although this had been agreed to at the last session. The Delegation indicated that due to the evolution of organic agriculture, there was a need for alternative sources of nitrogen in addition to those of animal origin. The Delegation also pointed out that, while there was a reference to indicative lists in the Guidelines, Codex texts were a reference under the WTO TBT Agreement. The Delegation proposed to suspend work for a period of three years rather than discontinuing it as proposed by the Working Group. This proposal was supported by some delegations. Some of these delegations indicated that although they did not necessarily allow the use of sodium nitrate *per se* at the national level, they could agree to defer discussion until new scientific information became available.

89) The Delegation of the United States recalled that its position, as expressed in the working group, was that Chile had provided scientific information in accordance with the criteria in section 5 of the Guidelines and that the arguments presented against NSN by other delegations had not followed the criteria, with the exception of the IFOAM comments.

90) The Delegation of the EC recalled that this question had been discussed for several sessions and that technical arguments against the use of sodium nitrate in an organic system had been consistently provided in written comments to the last and earlier sessions. These comments had not been repeated in writing at the present session as there were no new elements but they had been put forward in an extensive discussion in the working group. The Delegation therefore proposed to discontinue work on this substance as it was clear that there was no support for its inclusion and noted that members always had the possibility of proposing new work on an amendment to the tables if new scientific evidence became available.

91) The Observer from IFOAM recalled that the IFOAM standards, which were regularly revised through a consultative process involving experts, researchers and stakeholders, did not allow the use of NSN as it was not compatible with the principles of organic production for the following reasons: it was from a non renewable source; its action was comparable to conventional fertilizers; and it was not essential as other practices could be used to improve the biological activity of the soil and availability of nitrogen. After some discussion, the Committee agreed that there was no support for further consideration of NSN at this stage, while noting that members always had the possibility to propose new work in the future if new data became available.

[7] CX/FL 07/35/6 (Comments of Costa Rica, European Community, Norway, Switzerland, IFOAM), CX/FL 07/35/6-Add.1 (Comments of Thailand and the United States), CRD 6 (Comments of Canada and the Philippines), CRD 12 (Comments of India), CRD 14 (Comments of Indonesia), CRD 15 (Comments of Chile), CRD 18 (Comments of Bolivia)

Status of the Proposed Draft Revised Annex 2 : Table 1 (Natural Sodium Nitrate)

92) The Committee agreed to discontinue work on the inclusion of Natural Sodium Nitrate in Table 1.

Proposed Draft Amendment: Addition of Ethylene (Agenda Item 4c)[8]

93) The Committee recalled that its last session had agreed to undertake an amendment to the Guidelines on the addition of ethylene, which had been subsequently approved as new work by the Commission and circulated for comments at Step 3. It was also recalled that the scientific justification against the criteria in Section 5 had been presented at the last session and was mentioned by reference in the Circular Letter.

94) The Working Group had considered whether ethylene should be included in the list of processing aids, Table 4, Annex 2, but noted that this would require an amendment to the title and content of the table, which was not in its mandate. It had therefore proposed to include the following sentence at the end of 82 of Annex 1: "Ethylene may be used for ripening of kiwifruit and bananas". The Committee agreed with this proposal.

95) Some delegations expressed the view that if ethylene met the criteria for the use of substances in an organic system, its use should not be limited to kiwifruit and bananas but should be extended to other relevant species. Other delegations and the Observer from IFOAM indicated that justification against the criteria and relevant data had been put forward only for kiwifruit and bananas and that similar data should be provided for other species in order to consider the extension of the use of ethylene. Several delegations supported advancement of the amendment to Step 5 as ethylene met the criteria specified in Section 5.

Status of the Proposed Draft Amendment: Addition of Ethylene

96) The Committee agreed to advance the Proposed Draft Amendment to Annex 1 on the addition of ethylene to the 30th Session of the Codex Alimentarius Commission for adoption at Step 5 (see Appendix IV).

97) The Committee expressed its appreciation to Ms Carla Barry and to the working group for their comprehensive and constructive work, which had allowed the Committee to make considerable progress at the present session.

LABELLING OF FOODS AND FOOD INGREDIENTS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION / GENETIC ENGINEERING (Agenda Item 5)[9]

DRAFT AMENDMENT TO THE *GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS* (DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION / GENETIC ENGINEERING): DEFINITIONS (AT STEP 7) (Agenda Item 5a)

PROPOSED DRAFT GUIDELINES FOR THE LABELLING OF FOODS AND FOOD INGREDIENTS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION / GENETIC ENGINEERING: LABELLING PROVISIONS (Agenda Item 5b)[10]

98) The Committee recalled that its last session had agreed to establish a physical working group co-chaired by Argentina, Ghana and Norway to be held in Norway between the sessions, and that the Draft Amendment and Proposed Draft Guidelines had been held respectively at Steps 7 and 4 pending consideration of the report of the working group.

99) The Delegation of Norway indicated that the Working Group had identified seven approaches to the labelling of GM/GE foods and considered the rationale for the members' approach to each individual approach. Some delegations had expressed the view that consideration should be given to the reasons why countries chose not to adopt a certain approach, and to the cost and benefit aspects of each approach. The Working Group had identified nine possible options for further action by the Committee but had not considered them in detail as this was for the plenary session to decide.

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[8] CX/FL 07/35/7 (Comments of Costa Rica, European Community, Guatemala, Japan, Panama, Peru, Philippines, Thailand, United States, IFOAM, CX/FL 07/35/7-Add.1 (Comments of Brazil), CRD 7 (Comments of Canada and the Philippines), CRD 12 (Comments of India), CRD 14 (Comments of Indonesia), CRD 15 (Comments of Chile), CRD 18 (Comments of Bolivia), CRD 22 (Comments of Argentina)

[9] ALINORM 05/28/22, Appendix III, CRD 11 (comments of Canada), CRD 14 (comments of Indonesia)

[10] CX/FL 07/35/8 (report of the Working Group) CRD 4 (comments of Canada, Norway, Philippines), CRD 12 (comments of India), CRD 14 (comments of Indonesia)

100) The Delegation of Ghana informed the committee that co-chairing the working group had been a very useful experience, and had allowed to raise awareness of Codex issues in Ghana.

101) The Delegation of Argentina expressed its appreciation to its co-chairs and to the working group and its satisfaction for the convening of the meeting and the mandate that was sufficiently broad to encompass the reasons for the different views regarding the labelling of foods derived from GM/GE, and noted that the discussion had been very useful in order to understand the rationale for the positions taken by governments on the labelling of GM/GE foods. The Delegation however pointed out that several questions had not been discussed, in particular the positive and negative aspects of each possible approach; technical and economic viability; and the costs of implementation, especially for developing countries.

102) Many delegations expressed their appreciation to Norway, Argentina and Ghana respectively for hosting and co-chairing the working group, as it had provided a very useful opportunity to discuss the fundamental approaches to the labelling of GM/GE foods as well as the practical experience of governments at the national level. Several delegations stated that although the working group had been a very useful forum, it had also served to further highlight the lack of consensus on approaches to GM/GE labelling.

103) The Committee had a general discussion on the outcome of the working group and considered how to proceed further with the consideration of this issue.

104) Some delegations informed the Committee that serious concerns were expressed in their countries regarding the safety aspects of GM/GE foods, and also concerning the social and economic consequences of their use in agriculture, especially for small farmers.

105) The Representative of WHO informed the Committee of the extensive work carried out by FAO and WHO as regards safety assessment of foods derived from biotechnology especially through the Joint FAO/WHO expert consultations on foods derived from recombinant-DNA (r-DNA) plants and microorganisms, and genetically modified animals. The Representative also drew attention to the report of the FAO/WHO Expert Consultation on Evaluation of Allergenicity of Genetically Modified Foods (2001) which was particularly relevant to the Committee.

106) The Chair of the *ad hoc* Intergovernmental Task Force on Foods Derived from Biotechnology, Professor Yoshikura (Japan) informed the Committee that the Task Force had elaborated several texts subsequently adopted by the Commission (2003) to address risk analysis of foods derived from biotechnology, safety assessment of foods derived from recombinant-DNA plants, recombinant-DNA microorganisms, including assessment of possible allergenicity, and that these texts had been developed on the basis of the scientific advice provided by FAO and WHO. Professor Yoshikura also informed the Committee of the current work being undertaken by the Task Force related to low level presence of r-DNA plant material, foods derived from r-DNA animals, and r-DNA plants modified for nutritional or health benefits. He also noted that there was a possible discrepancy between the provisions of paragraph 4.2.2 of the *General Standard for the Labelling of Prepackaged Foods* and paragraph 43 of the *Guidelines for the Conduct of Food Safety Risk Assessment of Foods Derived from r-DNA Plants*.

107) The Secretariat recalled that, in conformity with the Codex mandate, several aspects of foods derived from biotechnology were considered in the relevant committees and the above mentioned Task Force, including food safety, methods of analysis and sampling and labelling. The issues related to agricultural policy and economy were the competence of FAO and were addressed in the programmes developed by FAO to provide guidance to member countries concerning the various aspects of biotechnology in agriculture, including capacity building to allow countries to establish their national framework for policy or regulations.

108) Several delegations recalled that foods derived from biotechnology have to undergo a pre-market safety assessment in order to protect consumers' health and therefore the request for mandatory GM/GE labelling is not a food safety issue, but an issue related to consumer information. Some delegations expressed the view that labelling was also related to food safety in view of the potential risks to consumer's health. The Observer from 49P noted that a great proportion of GE foods being sold have not been subjected to any governmental safety assessments, and therefore labelling helped consumers make their own decisions about health and safety

109) Several delegations indicated that, in their countries, consumers had no objections in principle to the use of GM/GE foods, but that mandatory labelling was necessary in order to provide clear information to consumers and to allow them to make an informed choice. These delegations and some observers stressed the fundamental right of consumers to know the nature of the food they were consuming.

110) Taking into account the above arguments, many delegations supported further work on GM/GE food labelling in the Committee, in view of the importance of the subject for consumers and in order to provide guidance to governments. Many delegations pointed out that it was especially important as many developing countries relied on Codex recommendations to develop their national policy or regulations in this area. Some delegations recalled that the Committee had received a specific mandate from the Commission in this respect in 1991. It was underlined by several delegations that the consumer right to know and to make informed choices was an essential element of GM labelling. Several delegations further pointed out that the work on GM labelling was consistent with the mandate of Codex. The Delegation of Barbados, supported by the Delegation of Ireland, stated that Codex should not abdicate its responsibility to provide appropriate guidance on GM/GE labelling. The Observers from NHF and 49P expressed their views, based on the comments of the delegations of Norway and France, that since one of the Codex mandates is to ensure fair trade practices, developing guidelines on GM/GE food labelling would be appropriate.

111) Several other delegations expressed the view that mandatory method of production labelling of foods derived from biotechnology was not justified on the grounds of food safety or fair trade practices, and that the consumer's right to know was not one of the objectives of Codex, and referred to the view expressed by the Executive Committee in 1996 to the effect that "the claimed right to know was ill-defined and variable and in this respect could not be used by Codex as the primary basis of decision-making on appropriate labeling" (ALINORM 97/3, para. 29). These delegations pointed out that governments had the possibility of requesting mandatory labelling in their national legislation if it fulfilled a legitimate objective but that it should not be imposed to all countries at the international level. In this respect, it was recalled that one of the Criteria for the Consideration of Other Factors Referred to in the Second Statement of Principles was that "some legitimate concerns of governments when establishing their national legislation are not generally applicable or relevant world wide"

112) Some delegations expressed the view that they supported mandatory labelling of GM foods only to address a food safety or public health issue such as allergenicity, or when a substantial change existed in composition or nutritional value.

113) Several countries expressed the view that this question had been discussed since 1997 in the Step Procedure without any progress, and that in view of the fundamental differences in the approaches taken to such labelling, it was not likely that progress would be made in the near future. These delegations therefore supported discontinuation of work, taking into account the general guidance provided by the Executive Committee in the framework of the Critical Review. Some of these delegations pointed out that consideration of this issue had taken up substantial resources of Codex although it was not related to health and safety and that it would be preferable to concentrate on issues such as the implementation of the Global Strategy in the CCFL. The Delegation of Canada recommended that the Committee refer this item to the Executive Committee for consideration under its Critical Review Process.

114) Several delegations expressed the view that the working group had been very useful but that is had not been able to complete its mandate and that further discussion would be necessary to clarify all the issues raised in the Oslo working group and at the current session, and therefore proposed to hold a new physical working group between the sessions, possibly with more time to allow for comprehensive discussion.

115) Several delegations, referring to one of the options proposed in the Working Group report, suggested considering the development of overarching principles which would be consistent with all approaches to GM food labelling presented by members.

116) The Delegation of the United States expressed that it had been giving consideration to the concerns from developing countries and indicated that there was no need for the development of new guidelines as current labelling texts contained a number of provisions that could be used by governments for the purpose of addressing the labelling of GM/GE foods. The United States therefore proposed to prepare a background paper that would identify such provisions, especially in the General Standard for the Labelling of Prepackaged foods and the General Guidelines on Claims.

117) After some further discussion, the Committee agreed to establish a physical working group between the sessions and agreed that its terms of reference would be the following:

1. The further consideration of certain areas originally specified in the mandate of the Oslo working group, particularly:
    a. The rationale for adopting or not adopting a particular approach
    b. The communication strategies used in communicating information to the public on foods and food ingredients obtained through certain techniques of genetic modification/genetic engineering.
2. The undertaking of an analysis of current Codex texts, particularly Codex labelling texts, to evaluate whether or not these texts supply sufficient guidance on the labelling of foods derived from genetic modification/genetic engineering.
3. The consideration of appropriate ways forward, taking into account the result of the analysis undertaken in 2 and the suggestion of the possible ways forward identified by the Oslo WG, (e.g. guidelines, principles or discontinuation of work).
4. The development of an outcome, appropriate to the findings of 2 and 3, taking into account the discussions of the 35th session of the CCFL, the needs identified by developing countries, including those expressed at the 35th session of the CCFL, and the mandate of Codex.

The Working Group will take into account:

a) The outcome of the Oslo Working Group including the report of the Working Group.

b) The report of the 35th session of the CCFL, including the written comments.

c) An informative background paper to be prepared by the United States, Canada and Nigeria on how current Codex texts relate to the labelling of Food and Food Ingredients obtained through certain techniques of genetic modification/genetic engineering.

d) Previous guidance on the labelling of foods derived from genetic modification/genetic engineering by the Codex Executive Committee and the Commission[11].

e) Existing guidance provided in the Codex Procedural Manual relating to the Consideration of Other Factors referred to in the second Statement of Principle.

f) Any other relevant Codex, WHO or FAO texts.

118) The Committee agreed that the Working Group would take place in Ghana in early 2008, would be three days in length and complete its work in sufficient time for the report of the Working Group to be considered by the Codex members in advance of the next Session of the Committee; and that the languages of the meeting would be English, French and Spanish. For practical reasons, it was recommended that delegations should not exceed two participants.

119) It was further agreed that a Circular letter would be issued requesting comments on items 1, 2 and 3 of the terms of the reference. The background paper to be prepared by the US, Canada and Nigeria would be attached to the CL for information.

120) The Committee briefly discussed the status of the Draft Definitions and Proposed Draft Guidelines. Some delegations proposed to advance the Definitions to Step 8 as they were consistent with the definitions developed by the Task Force on Foods Derived from Biotechnology and included in the Cartagena Protocol. Other delegations pointed out that the definitions had not been discussed for several sessions, that there had been no consensus earlier to finalise them, and that they were also included in the Proposed Draft Guidelines, and should not be finalised separately. The Committee recognised that there was no consensus to advance the definitions to Step 8.

[11] ALINORM 91/40, para. 90; ALINORM 97/3, para. 29

Status of the Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods* (Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification / Genetic Engineering): Definitions

121) The Committee agreed to retain the Draft Amendment at Step 7.

Status of the Proposed Draft Guidelines for the Labelling of Foods and Food Ingredients Obtained Through Certain Techniques of Genetic Modification/Genetic Engineering: Labelling Provisions

122) The Committee agreed to retain the Proposed Draft Guidelines at Step 4 pending consideration of the report of the Working Group established at the present session.

123) The Committee agreed that the time frame for the completion of this work was four years.

PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS: QUANTITATIVE DECLARATION OF INGREDIENTS (Agenda Item 6)[12]

124) The Chairman of the Working Group on QUID, Mr. Anthony Flower (United Kingdom) introduced the report of the working group which had met prior to and during the session of the Committee. He reported that the group had used as a starting point the proposal from the previous session but had changed the structure to clarify the text, especially as regards the conditions for exemption from QUID declaration. Building on areas of agreement within the group, consensus had been reached on all items with the exception of item 5.1.1(b) where square brackets remained. The resulting text was reproduced in Appendix III to the working group report and it was proposed to advance it to Step 5 of the Procedure.

125) The Committee congratulated the Working Group on their excellent work and proposed to focus the initial discussion on item 5.1.1(b).

Subsection 5.1.1 (b)

126) In the working group some delegations had questioned the need for retention of 5.1.1(b), as they felt it was unnecessary. It was explained that this provision was intended to apply to a narrow category of foods where the characterizing ingredient(s) was not mentioned in the name and might vary from country to country (e.g. marzipan and mayonnaise). In order to accommodate different national situations it was agreed to add the phrase “in the country where the food is sold”.

127) The Delegation of Mexico, while maintaining the position that the paragraph could be deleted, proposed an alternative wording to further clarify the intent of the paragraph. This text was further refined and included in the final proposal (see Appendix IV).

Deletion of former subsections 5.1.1 (d) and (e)

128) The Delegation of Norway expressed its concerns with the deletion of these paragraphs, especially as regards added sugars, as they were related to the Global Strategy and their intention should not be lost but should be treated in this context.

129) The Representative of WHO noted that the deletion of paragraph 5.1.1 (e) meant that the issue of how to deal with representations about the presence in food of ingredients listed in paragraph 22 of the Global Strategy on Diet, Physical Activity and Health was not resolved. The health benefits from fruit, vegetables, whole grains and legumes are related not only to the nutrients but also to many other substances present in these foods and in some cases to the matrix provided by the intact food, and as such are not covered by Codex texts pertaining to nutrition labelling or claims. WHO therefore proposed that in the terms of reference of the Working Group on the Implementation of the Global Strategy, the CCFL agree to include work on the disclosure of the quantities of these beneficial ingredients – fruit, vegetables, whole grains, legumes and nuts – when representations are made about their presence in foods.

[12] ALINORM 06/29/22 Appendix VI, CL 2006/12-FL, CX/FL 07/35/9 (Comments of Brazil, Colombia, Costa Rica, Guatemala, Peru, United States, CEFS, IACFO, WSRO), CX/FL 07/35/9-Add.1 (Comments of Japan, Kenya, Thailand), CRD 8 (Comments of Canada, European Community, Philippines, IBFAN), CRD 13 (Discussion paper from the Chair of the QUID Working Group), CRD 12 (Comments of India), CRD 14 (Comments of Indonesia), CRD 16 (Comments of Malaysia), CRD 18 (Comments of Bolivia), CRD 19 Comments of the Republic of Korea), CRD 24 (Comments of South Africa), CRD 25 (Report of the Working Group on QUID).

130) The Chairperson said that these concerns would be treated in the Working Group on the Implementation of the Global Strategy.

Section 5.1.2

131) This section had not been discussed by the working group as the current text resulted from earlier discussions and consensus at the last session. Some delegations felt that the present wording was too complex and difficult to apply in practice.

132) The Committee agreed to clarify the text by replacing at the end of the first paragraph "average percentage" with "minimum percentage when emphasis is on the presence of the ingredient and maximum percentage when emphasis is on the low level of the ingredient". The Committee also agreed to replace in the second paragraph the words "the quantity shall correspond to the quantity..." with "the percentage by weight or by volume shall correspond to the quantity..." for clarification purposes. The Committee agreed to delete the last two sentences of the section.

Status of the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients.

133) The Committee agreed to forward the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients to the Commission for adoption at Step 5 (see Appendix V).

DEFINITION OF ADVERTISING IN RELATION TO HEALTH AND NUTRITION CLAIMS (Agenda Item 7) [13]

134) The Chairperson recalled that the 29th Session of the Commission had approved the Committees' proposal for new work on a definition of advertising in relation to health and nutrition claims. A large number of comments had been received in response to the draft definition in the Circular Letter which had originally been proposed by Canada: "**Advertising**: any representation to the public, by any means other than a label, that is intended or is likely to influence and shape attitude, beliefs and behaviours in order to promote directly or indirectly the sale of the food."

135) The Delegations of Mexico and the United States maintained their position that it was not necessary to define advertising within Codex as this was a subject that should better be defined by national authorities. They also felt that the proposed definition was too broad and if a definition was to be developed, its scope should be limited to the Guidelines on Nutrition and Health Claims. The Delegation of Mexico proposed a new wording which was further refined by other delegations as follows: "Advertising means any commercial communication to the public, by any means other than labelling, in order to promote directly or indirectly, the sale or intake of a food through the use of nutrition and health claims in relation to the food and its ingredients."

136) Many delegations supported the definition proposed by Mexico, as modified, and felt that the text took their concerns into account.

137) Some delegations and observers proposed to include the word "paid" before "communication" as it was their view that manufacturers should not be responsible for advertising over which they did not have control, e.g. blogging. Other delegations and one observer proposed to explicitly exclude scientific and related texts from the definition. These proposals were not accepted as it was felt that the word "commercial", by definition, addressed these concerns.

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[13] CL 2006/31-FL, CX FL 07/35/10 (Comments of Australia, Brazil, Costa Rica, European Community, Guatemala, Mexico, New Zealand, Peru, South Africa, United States, CIAA, IADSA, ICGA, IUFosT, NHF, WFA, WSRO), CX FL 07/35/10-Add.1 (Comments of Argentina, Kenya, Malaysia, Philippines, Thailand, ICBA), CRD 3 (Comments of Canada, Philippines, IBFAN), CRD 12 (Comments of India), CRD 14 (Comments of Indonesia), CRD 18 (Comments of Bolivia), CRD 23 (Comments of South Africa)

138) The Delegations of Argentina and Bolivia, while agreeing with the definition proposed, were of the opinion that companies should be able to justify claims made in advertising and therefore proposed to include a second paragraph to the definition as follows: "The company responsible for the advertising shall keep and make available to interested parties the technical and scientific data that supports the advertising message." Other delegations felt that this requirement was already included in the *Guidelines for Use of Nutrition and Health Claims*.

139) The Delegation of Nepal raised the issue of marketing and advertising food products to children and young people by including items "gifts" unrelated to the food (e.g. toys), and felt that advertising should in all cases be related to the quality or quantity of the product. The Committee however recalled that its mandate was limited to the establishment of a definition of advertising in relation to health and nutrition claims, and did not include the development of other requirements for advertisement.

Status of the Proposed Draft Definition of Advertising in Relation to Health and Nutrition Claims

140) The Committee agreed to forward the Proposed Draft Definition of Advertising in Relation to Health and Nutrition Claims to the Commission for adoption at Step 5 (see Appendix VI).

DISCUSSION PAPER ON MODIFIED STANDARDIZED COMMON NAMES (Agenda Item 8) [14]

141) The Delegation of Canada recalled that the issue of truthful but misleading communication had been discussed at the 31st and 32nd Sessions of the Committee based on discussion papers from the United States and a working group coordinated by Australia.

142) The Delegation of Canada introduced in their discussion paper the issue of foods that have been formulated with nutritional modifications, which, while maintaining some of the characteristics of the standardized food, are frequently marketed using the standardized common name. There are various reasons for the modifications such as higher quality, flavour, functionality, lower productions costs, or nutritional characteristics. Consistent with the WHO Global Strategy on Diet, Physical Activity and Health there is a growing interest in healthier food choices and nutritional modification of foods. In order to ensure that these modified foods are clearly and consistently labelled as encouraged by the Global Strategy, the discussion paper explored the use of modified standardized common names, with respect to nutrition variance, as an alternative to developing new standards for these foods. The Delegation suggested establishing an electronic working group to establish principles for the labelling of common names modifications.

143) Many delegations supported the establishment of an electronic working group. It was mentioned that the work should ensure that the consumers were not misled about the nature of the food and be harmonized with other work done by Codex on the implementation of the Global Strategy. It was also suggested that the Working Group should evaluate how wide-spread the problem was among Codex members. It was further suggested to limit the scope to those claims identified in the *Guidelines for Use of Nutrition and Health Claims.* It was noted that it might not be possible to use modified common names for all products.

144) The Committee agreed to establish an electronic working group, coordinated by Canada, to develop principles on the use of modified common names, taking into account the comments made at the session.

OTHER BUSINESS[15]

145) The Delegation of Japan presented a project document on new work concerning the deletion of preparations of Rotenone used as an insecticide from Table 2 of Annex 2 of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* or to restrict its use to prevent flowing into waterways because of its toxicity to fish.

146) Several delegations felt that as the document had been available only recently, more time was needed to study it. The Delegation of the European Community said that the substance was also being re-evaluated in the EC and requested more data concerning criteria 5 on availability of alternatives. The Delegation of New Zealand, supported by some delegations and the Observer from IFOAM, supported further consideration of this issue and pointed out that the procedure for the evaluation of substances for inclusion in the Guidelines should be followed in this process. The Observer from IFOAM was against the deletion of the substance.

[14] CX FL 07/35/11
[15] CRD 10 (Proposal from Japan)

147) The Committee agreed that Japan should submit their proposal as a working document for the next session of the CCFL where it would be included as a proposal for new work under the agenda item on the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods.*

DATE AND PLACE OF THE NEXT SESSION

148) The Committee noted that its next session was tentatively scheduled to be held in Ottawa, Canada, from 28 April to 2 May 2008, the final arrangements to be confirmed between the host country and Codex Secretariat.

SUMMARY STATUS OF WORK

Subject Matter	**Step**	**Action by**	**Document Reference in ALINORM 07/30/22**
Guidelines for Organically Produced Foods: Draft Revised Annex 2 : Table 3	8	Governments 30th CAC	para. 87 Appendix II
Guidelines for Organically Produced Foods: Draft Revised Annex 2 : Table 3 (other substances)	6	Governments 36th CCFL	para. 87 Appendix III
Proposed Draft Amendment to the Guidelines for Organically Produced Foods (Ethylene)	5	Governments 30th CAC	para. 96 Appendix IV
Proposed Draft Amendment to the *General Standard* (Quantitative Declaration of Ingredients)	5	Governments 36th CCFL	para. 133 Appendix V
Proposed Draft Definition of Advertising in relation to health and nutrition claims	5	Governments 30th CAC	para. 140 Appendix VI
Guidelines for Organically Produced Foods: Proposed Draft Revised Annex 2: Table 1 (Natural Sodium Nitrate)	3*	Governments 30th CAC	para. 92
Draft Amendment to the General Standard (Draft Recommendations for the Labelling of Foods obtained through certain techniques of GM/GE): Definitions	7	36th CCFL	para. 121
Proposed Draft Guidelines for the Labelling of Foods obtained through certain techniques of GM/GE: Labelling Provisions	4	Working Group 36th CCFL	para. 122

* Discontinuation of work

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DRAFT AMENDMENT TO THE GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (At Step 8 of the Procedure)
ANNEX 2 Table 3: Ingredients of Non Agricultural Origin Referred to in Section 3 of These Guidelines

3.1 Additives Permitted For Use Under Specified Conditions in Certain Organic Food Categories or Individual Food Items

The following table provides a list of those food additives including carriers which are allowed for use in organic food production. The functional uses and food categories and individual food items for each food additive in the following table are governed by the provisions in Tables 1-3 of the General Standard for Food Additives and other standards which have been adopted by the Codex Alimentarius Commission.

The table is an indicative list for the purpose of processing organic food only. Countries may develop a list of substances for national purposes that satisfy the requirements as recommended in Section 5.2 of these Guidelines.

Food additives in this Table can be used to perform the function indicated in the specified food products.

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	Food of Animal Origin
170i	Calcium Carbonate	All	Permitted, although exclusions of the GSFA still apply.	01.0 Dairy products and analogues, excluding products of food category 02.0
220	Sulphur Dioxide	All	14.2.2 Cider and perry 14.2.3 Grape wines 14.2.4 Wines (other than grapes)	14.2.5 Mead
270	Lactic Acid (L- D- and DL-)	All	04.2.2.7 Fermented vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes and aloe vera), and seaweed products, excluding fermented soybean products of food category 12.10	01.0 Dairy products and analogues, excluding products of food category 02.0 08.4 Edible casings (e.g. sausage casings)
290	Carbon Dioxide	All	Permitted, although exclusions of the	Permitted, although exclusions of the

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	Food of Animal Origin
			GSFA still apply.	GSFA still apply.
296	Malic Acid (DL-)	All	Permitted, although exclusions of the GSFA still apply.	Not permitted.
300	Ascorbic Acid	All	Provided insufficient natural sources are available. Permitted, although exclusions of the GSFA still apply.	Provided insufficient natural sources are available. 08.2 Processed meat, poultry, and game products in whole pieces or cuts 08.3 Processed comminuted meat, poultry, and game products 08.4 Edible casings (e.g., sausage casings)
306	Tocopherols (mixed natural concentrates)	All	Permitted, although exclusions of the GSFA still apply.	All mixed products allowed under the General Standard for Food Additives and Standards adopted by the Codex Alimentarius Commission
322	Lecithin (Obtained without bleaches and organic solvents.)	All	Permitted, although exclusions of the GSFA still apply.	01.0 Dairy products and analogues, excluding products of food category 02.0 02.0 Fats and oils, and fat emulsions 12.6.1 Emulsified sauces (e.g. mayonnaise, salad dressing) 13.1 Infant formulae and follow-on formulae 13.2 Complementary foods for infants and young children
327	Calcium Lactate	All	Not permitted.	01.0 Dairy products and analogues, excluding products of food category 02.0
330	Citric Acid	All	04.0 Fruits and vegetables (including mushrooms and fungi, roots and tubers,	As a coagulation agent for specific cheese products and for cooked eggs

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	**Food of Animal Origin**
			pulses and legumes, and aloe vera), seaweeds, and nuts and seeds	01.6 Cheese and analogues 02.1 Fats and oils essentially free from water 10.0 Egg and egg products
331i	Sodium Dihydrogen Citrate	All	Not permitted.	01.1.1.2 Butter milk (plain) (Stabilizer only) 01.1.2 Dairy-based drinks, flavoured and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks) 01.2.1.2 Fermented milks (plain), heat-treated after fermentation (Stabilizer only) 01.2.2 Renneted milk (Stabilizer only) 01.3 Condensed milk and analogues (plain) (Stabilizer only) 01.4 Cream (plain) and the like (Stabilizer only) 01.5.1 Milk powder and cream powder (plain) (Stabilizer only) 01.6.1 Unripened cheese (Stabilizer only) 01.6.4 Processed cheese (Emulsifier only) 01.8.2 Dried whey and whey products, excluding whey cheeses 08.3 Processed comminuted meat, poultry, and game products, restricted to sausages To be used in pasteurization of egg whites only in the following:

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	Food of Animal Origin
				10.2 Egg Products
332i	Potassium Dihydrogen Citrate	All	Not permitted.	Permitted, although exclusions of the GSFA still apply.
333	Calcium Citrates	All	Permitted, although exclusions of the GSFA still apply.	01.0 Dairy products and analogues, excluding products of food category 02.0
334	Tartaric Acid	All	Permitted, although exclusions of the GSFA still apply.	Not permitted.
335i 335ii	Monosodium Tartrate Disodium Tartrate	All	05.0 Confectionery 07.2.1 Cakes	Not permitted.
336i 336ii	Monopotassium Tartrate Dipotassium Tartrate	All	05.0 Confectionery 06.2 Flours and starches 07.2.1 Cakes	Not permitted.
341i	Monocalcium Orthophosphate	All	06.2.1 Flours	Not permitted.
400	Alginic Acid	All	Permitted, although exclusions of the GSFA still apply.	01.0 Dairy products and analogues, excluding products of food category 02.0
401	Sodium Alginate	All	Permitted, although exclusions of the GSFA still apply.	01.0 Dairy products and analogues, excluding products of food category 02.0 All mixed products allowed under the General Standard for Food Additives and Standards adopted by the Codex Alimentarius Commission
402	Potassium Alginate	All	Permitted, although exclusions of the	01.0 Dairy products and analogues,

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	**Food of Animal Origin**
			GSFA still apply.	excluding products of food category 02.0 All mixed products allowed under the General Standard for Food Additives and Standards adopted by the Codex Alimentarius Commission
406	Agar	All	Permitted, although exclusions of the GSFA still apply.	Permitted, although exclusions of the GSFA still apply.
407	Carrageenan	All	Permitted, although exclusions of the GSFA still apply.	01.0 Dairy products and analogues, excluding products of food category 02.0
410	Carob Bean Gum	All	Permitted, although exclusions of the GSFA still apply.	01.1 Milk and dairy-based drinks 01.2 Fermented and renneted milk products (plain), excluding food category 01.1.2 (dairy-based drinks) 01.3 Condensed milk and analogues (plain) 01.4 Cream (plain) and the like 01.5 Milk powder and cream powder and powder analogues (plain) 01.6 Cheese and analogues 01.7 Dairy-based desserts (e.g. pudding, fruit or flavoured yoghurt) 01.8.1 Liquid whey and whey products, excluding whey cheeses 08.1.2 Fresh meat, poultry and game, comminuted 08.2 Processed meat, poultry, game products in whole pieces or cuts 08.3 Processed comminuted meat,

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	**Food of Animal Origin**
				poultry, and game products 08.4 Edible casings (e.g. sausage casings)
412	Guar Gum	All	Permitted, although exclusions of the GSFA still apply.	01.0 Dairy products and analogues, excluding products of food category 02.0 8.2.2 Heat-treated processed meat, poultry, and game products in whole pieces or cuts 8.3.2 Heat-treated processed comminuted meat, poultry, and game products 10.2 Egg products
413	Tragacanth Gum	All	Permitted, although exclusions of the GSFA still apply.	Permitted, although exclusions of the GSFA still apply.
414	Gum Arabic	All	02.0 Fats and oils, and fat emulsions 05.0 Confectionary	01.0 Dairy products and analogues, excluding products of food category 02.0 02.0 Fats and oils, and fat emulsions 05.0 Confectionary
415	Xanthan Gum	All	02.0 Fats and oils, and fat emulsions 04.0 Fruits and vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds 07.0 Bakery wares 12.7 Salads (e.g. macaroni salad, potato salad)	Not permitted.
416	Karaya Gum	All	Permitted, although exclusions of the GSFA still apply.	Not permitted.

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	Food of Animal Origin
422	Glycerol	All	Obtained from plant origin; used as a carrier for plant extracts 04.1.1.1 Untreated fresh fruit 04.1.1.2 Surface-treated fresh fruit 04.1.2 Processed fruit 04.2.1.2 Surface-treated fresh vegetables, (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds and nuts and seeds 04.2.2.2 Dried vegetables, (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds 04.2.2.3 Vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds in vinegar, oil, brine, or soy sauce 04.2.2.4 Canned or bottled (pasteurized) or retort pouch vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds 04.2.2.5 Vegetable, (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweed, and nut and seed purees and spreads (e.g., peanut butter) 04.2.2.6 Vegetable, (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera),	Not permitted.

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	**Food of Animal Origin**
			seaweed, and nut and seed pulps and preparations (e.g., vegetable desserts and sauces, candied vegetables) other than food category 04.2.2.5 04.2.2.7 Fermented vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera) and seaweed products, excluding fermented soybean products of food category 12.10 12.2 Herbs, spices, seasonings, and condiments (e.g., seasoning for instant noodles)	
440	Pectins (non-amidated)	All	Permitted, although exclusions of the GSFA still apply.	01.0 Dairy products and analogues, excluding products of food category 02.0
500ii 500iii	Sodium hydrogen carbonate Sodium Sesquicarbonate	All	05.0 Confectionery 07.0 Bakery Wares	01.0 Dairy products and analogues, excluding products of food category 02.0
501i	Potassium Carbonate	All	05.0 Confectionary 06.0 Cereals and cereal products, derived from cereal grains, from roots and tubers, pulses and legumes, excluding bakery wares of food category 07.0 07.2 Fine Bakery wares (sweet, salty, savoury) and mixes	Not permitted.
503i	Ammonium carbonate	Acidity Regulator Raising Agent	Permitted, although exclusions of the GSFA still apply.	Not permitted.

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	Food of Animal Origin
503ii	Ammonium Hydrogen Carbonate			
504i 504ii	Magnesium Carbonate Magnesium Hydrogen Carbonate	All	Permitted, although exclusions of the GSFA still apply.	Not permitted.
508	Potassium Chloride	All	04.0 Fruits and vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds 12.4 Mustards 12.6.2 Non-emulsified sauces (e.g. ketchup, cheese sauces, cream sauces, brown gravy)	Not permitted.
509	Calcium chloride	All	04.0 Fruits and vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds 06.8 Soybean products (excluding soybean products of food category 12.9 and fermented soybean products of food category 12.10) 12.9.1 Soybean protein products 12.10 Fermented soybean products	01.0 Dairy products and analogues, excluding products of food category 02.0 08.2 Processed meat, poultry, and game products in whole pieces or cuts 08.3 Processed comminuted meat, poultry and game products 08.4 Edible casings (e.g. sausage casings)
511	Magnesium chloride	All	06.8 Soybean products (excluding soybean products of food category 12.9 and fermented soybean products of food category 12.10)	Not permitted.

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	**Food of Animal Origin**
			12.9.1 Soybean protein products 12.10 Fermented soybean products	
516	Calcium sulphate	All	06.8 Soybean products (excluding soybean products of food category 12.9 and fermented soybean products of food category 12.10) 07.2.1 Cakes, cookies and pies (e.g. fruit-filled or custard type) 12.8 Yeast and like products 12.9.1 Soybean protein products 12.10 Fermented soybean products	Not permitted.
524	Sodium Hydroxide	All	06.0 Cereals and cereal products, derived from cereal grains, from roots and tubers, pulses and legumes, excluding bakery wares of food category 07.0 07.1.1.1 yeast-leavened breads and specialty breads	Not permitted.
551	Silicon Dioxide (Amorphous)	All	12.2 Herbs, spices, seasonings, and condiments (e.g. seasonings for instant noodles)	Not permitted.
941	Nitrogen	All	Permitted, although exclusions of the GSFA still apply	Permitted, although exclusions of the GSFA still apply

3.2 Flavourings

Substances and products labelled as natural flavouring substances or natural flavouring preparations are defined in the *General Requirements for Natural Flavourings* (CAC/GL 29-1987).

3.3 Water and Salts

Drinking water.

Salts (with sodium chloride or potassium chloride as basic components generally used in food processing).

3.4 Preparations of Microorganisms and Enzymes

Any preparation of microorganisms and enzymes normally used in food processing, with the exception of microorganisms genetically engineered/modified or enzymes derived from genetic engineering.

3.5 Minerals (including trace elements), Vitamins, Essential Fatty and Amino Acids, And Other Nitrogen Compounds

Only approved in so far as their use is legally required in the food products in which they are incorporated.

DRAFT AMENDMENT TO THE GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS
(At Step 6 of the Procedure)

ANNEX 2

Table 3: Ingredients of Non Agricultural Origin Referred to in Section 3 of These Guidelines

3.1 Additives Permitted For Use Under Specified Conditions in Certain Organic Food Categories or Individual Food Items

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	Food of Animal Origin
[250]	[Sodium Nitrite]	[Colour Retention Agent Preservative]	[Not permitted.]	[When no alternative technology exists for certain products, may be used for the following, except in sausages for frying:] [08.2.1.1Cured (including salted) non-heated treated processed meat, poultry, and game products in whole pieces or cuts] [08.2.1.2 Cured (including salted) and dried non-heat treated processed meat, poultry, and game products in whole pieces or cuts] [08.2.1.3 Fermented non-heat treated processed meat, poultry, and game products in whole pieces or cuts] [08.2.2 Heat-treated processed meat, poultry and game products in whole

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	**Food of Animal Origin**
				pieces or cuts] [08.2.3 Frozen processed meat, poultry, and game products in whole pieces or cuts.] [08.3 Processed comminuted meat, poultry and game products] [09.2.4.1 Cooked fish and fish products]♦ [09.2.5 Smoked, dried, fermented, and/or salted fish and fish products, including mollusks, crustaceans, and echinoderms]♦ [09.3.3 Salmon substitutes, caviar, and other fish roe products]♦
[252]	[Potassium Nitrate]	[Colour Retention Agent Preservative]	[Not permitted.]	[When no alternative technology exists for certain products, may be used for:] [08.2.1.1Cured (including salt) non-heated treated processed meat, poultry, and game products in whole pieces or cuts]♦ [08.2.1.2 Cured (including salted) and dried non-heat treated processed meat, poultry, and game products in whole pieces or cuts]♦ [08.2.1.3 Fermented non-heat treated processed meat, poultry, and game products in whole pieces or cuts]♦ [08.3.1.1 Cured (including salted) non-heat treated processed comminuted meat, poultry and game products]♦

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	**Food of Animal Origin**
				[08.3.1.2 Cured (including salted) and dried non-heat treated processed comminuted meat, poultry and game products]♦
[301]	[Sodium Ascorbate] *	[Antioxidant Colour Retention Agent]	[Not permitted.]	[Provided insufficient natural sources are available.] [08.1 Fresh meat , poultry and game] ♦ 08.2 Processed meat, poultry, and game products in whole pieces or cuts 08.3 Processed comminuted meat, poultry, and game products 08.4 Edible casings (e.g., sausage casings)
[302]	[Calcium Ascorbate] *	[Antioxidant]	[Not permitted.]	[Provided insufficient natural sources are available.] [08.1.2 Fresh meat, poultry and game, comminuted]♦ [08.2 Processed meat, poultry, and game products in whole pieces or cuts] [08.3 Processed comminuted meat, poultry, and game products] [08.4 Edible casings (e.g. sausage casings)]
[303]	[Potassium Ascorbate] *	[Antioxidant]	[Not permitted.]	[Provided insufficient natural sources are available.] [08.2 Processed meat, poultry, and game products in whole pieces or cuts]

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	**Food of Animal Origin**
				[08.3 Processed comminuted meat, poultry, and game products] [08.4 Edible casings (e.g. sausage casings)]
[339i] [339ii] [339iii]	[Monosodium Orthophosphate] [Disodium orthophosphate] [Trisodium Orthophosphate]	[Stabilizer]	[Not permitted.]	[01.0 Dairy products and analogues, excluding products of food category 02.0 ♦]
[340i] [340ii] [340iii]	[Monopotassium Orthophosphate] [Diphosphate Orthophosphate] [Tripotassium Orthophosphate]	[Emulsifier Stabilizer]	[Not permitted.]	[01.6.4 Processed cheese (Emulsifier only)]♦ [01.4.1 Pasteurized cream (plain) (Stabilizer only)] ♦
[450i] [450iii] [450v] [450vi]	[Disodium diphosphate] [Tetrasodium diphosphate] [Tetrapotassium diphosphate] [Dicalcium	[Emulsifier Stabilizer]	[Not permitted.]	[01.4.1 Pasteurized cream (plain) (Stabilizer only)] ♦ [01.6.4 Processed cheese (Emulsifier only)]

INS No.	Additive Name	Functional Use Allowed in Organic Production	Permitted for Use In Food Categories	
			Food of Plant Origin	Food of Animal Origin
	diphosphate]			
[452i]	[Sodium Polyphosphate]			
[452ii]	[Potassium polyphosphate]			
[452iv]	[Calcium polyphosphate]			
[452v]	[Ammonium polyphosphate]			

♦ Currently this food additive is at either Step 3 or 6 in Table 1 of the GSFA, and therefore remains in square brackets. Its use as indicated would not be permitted until the specific additive/use is endorsed by CCFAC and adopted by the Commission.

* Additives permitted for use in food in general, unless otherwise specified. Note the food items that are excluded from the General Conditions of Table 3. The exclusions can be found in the Annex to Table 3 of the GSFA.

PROPOSED DRAFT AMENDMENT TO THE GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (N10-2006)
(At Step 5 of the Procedure)

Annex 1 - Principles of Organic Production

C. HANDLING, STORAGE, TRANSPORTATION, PROCESSING AND PACKAGING

82. The integrity of the organic product must be maintained throughout the processing phase. This is achieved by the use of techniques appropriate to the specifics of the ingredients with careful processing methods limiting refining and the use of additives and processing aids. Ionizing radiation should not be used on organic products for the purpose of pest control, food preservation, elimination of pathogens or sanitation.

Ethylene may be used for ripening of kiwifruit and bananas.

PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS
(Quantitative Ingredient Declaration Labelling)
(At Step 5 of the Procedure)

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1 Quantitative Ingredient Declarations

5.1.1 The ingoing percentage of an ingredient (including compound ingredients or categories of ingredients[1]), by weight or volume as appropriate, at the time of manufacture, shall be disclosed for foods sold as a mixture or combination where the ingredient:

(a) is emphasised as present on the label through words or pictures or graphics; or

(b) is not within the name of the food, is essential to characterise the food and is expected to be present in the food by consumers in the country where the food is sold if the omission of the quantitative ingredient declaration would mislead or deceive the consumer.

Such disclosure is not required:

(c) where the ingredient is used in small quantities for the purpose of flavouring; or

(d) where commodity specific standards of Codex Alimentarius conflict with the requirements described here.

With respect to 5.1.1(a):

(e) a reference in the name of the food to an ingredient or category of ingredients shall not of itself require quantitative ingredient declaration if:

- that reference would not mislead or deceive or would not be likely to create an erroneous impression to the consumer regarding the character of the food in the country of marketing because the variation in quantity of the ingredient(s) between products is not necessary to characterise the food or distinguish it from similar foods.

5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a numerical percentage.

The ingoing percentage, by weight or volume as appropriate, of each such ingredient shall be given on the label in close proximity to the words or pictures or graphics emphasising the particular ingredient, or beside the name of the food, or adjacent to each appropriate ingredient listed in the ingredient list as a minimum percentage where emphasis is on the presence of the ingredient and a maximum percentage where emphasis is on the low level of the ingredient.

For foodstuffs which have lost moisture following heat or other treatment, the percentage (by weight or by volume) shall correspond to the quantity of the ingredient(s) used, related to the finished product.

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[1] **Explanatory Note for Category of Ingredients**: For the purposes of Quantitative Ingredient Declaration, category of ingredients means the generic term which refers to the class name of an ingredient and/or any similar common term(s) which are used in reference to the name of a food.

PROPOSED DRAFT DEFINITION OF ADVERTISING IN RELATION TO NUTRITION AND HEALTH CLAIMS
(At Step 5 of the Procedure)

"Advertising means any commercial communication to the public, by any means other than labelling, in order to promote directly or indirectly, the sale or intake of a food through the use of nutrition and health claims in relation to the food and its ingredients."