

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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ALINORM 99/22A

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-third Session
Rome, 28 June - 3 July 1999

REPORT OF THE TWENTY-SEVENTH SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING

Ottawa, Canada, 27 - 30 April 1999

Note: This document incorporates Circular Letter CL 1999/10-FL

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CX 5/15

**CL 1999/10-FL
May 1999**

TO: - Codex Contact Points
- Interested International Organizations
- Participants at the 27th Session of the Codex Committee on Food Labelling

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

SUBJECT: **Distribution of the Report of the 27th Session of the Codex Committee on Food Labelling (ALINORM 99/22A)**

A. MATTERS FOR ADOPTION BY THE 23rd SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Draft Standards and Guidelines at Step 8 of the Procedure

1. Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (section 5.1 Criteria) (para. 33, Appendix II)
2. Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (composite ingredients) (para. 39, Appendix III)

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, Joint FAO/WHO Food Standards Programme, FAO, via delle Terme di Caracalla, 00100 Rome, Italy **before 31 May 1999.**

Proposed Draft Standard and Guidelines at Step 5 of the Procedure

3. Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (class names) (para. 52, Appendix V)
4. Proposed Draft Amendment to the Guidelines on Nutrition Labelling (para. 59, 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 Worldwide Standards at Step 5 to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, via delle Terme di Caracalla, 00100 Rome, Italy **before 31 May 1999.**

B. REQUEST FOR COMMENTS AND INFORMATION

Draft Guidelines at Step 6 of the Procedure

5. Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (Livestock) (para. 33, Appendix IV)

Governments wishing to submit comments should do so in writing to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, via delle Terme di Caracalla, 00100 Rome, Italy, with a copy to the Secretary of the Committee, Mr. Ron B. Burke, Director, Bureau of Food Regulatory International and Interagency Affairs, Health Protection Branch, Health Canada, HPB Bldg, Room 200, Tunney's Pasture, Ottawa K1A 0L2, Canada (Telefax N° 613.941.3537), **before 15 September 1999.**

Draft Guidelines at Step 3 of the Procedure

6. Proposed Draft Recommendations for the Use of Health Claims (para. 66, Appendix VII)

Governments wishing to submit comments should do so in writing to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, via delle Terme di Caracalla, 00100 Rome, Italy, with a copy to the Secretary of the Committee, Mr. Ron B. Burke, Director, Bureau of Food Regulatory International and Interagency Affairs, Health Protection Branch, Health Canada, HPB Bldg, Room 200, Tunney's Pasture, Ottawa K1A 0L2, Canada (Telefax N° 613.941.3537) **before 1 December 1999.**

SUMMARY AND CONCLUSIONS

The summary and conclusions of the 27th Session of the Codex Committee on Food Labelling are as follows:

Matters for adoption by the Commission:

The Committee:

- agreed to advance to Step 8 section 5.1 (criteria) of the Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (para. 33, Appendix II);
- agreed to advance to Step 8 the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (composite ingredients) (para. 39, Appendix III);
- agreed to advance to Step 5 the Proposed Draft Amendment to the Guidelines on Nutrition Labelling (para. 59, Appendix VI);
- agreed to advance to Step 5 the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (class names) (para. 52, Appendix V).

Other Matters of Interest to the Commission

- agreed to return to Step 6 the provisions on Livestock in the Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (para. 33, Appendix IV);
- agreed to return to Step 3 the Proposed Draft Recommendations for the Use of Health Claims (para. 66, Appendix VII);
- agreed to return to Step 3 for redrafting and comments the Proposed Draft Recommendations for the Labelling of Foods Obtained through Biotechnology (section on mandatory labelling) (para. 49);
- agreed to return to Step 3 for redrafting and further comments the Proposed Draft Guidelines for the Use of the Term "Vegetarian" (para. 81);
- agreed to ask the advice of the CCNFSDU on some aspects of the Proposed Draft Recommendations for Sports and Energy Drinks and to discontinue work on this question in the meantime (para. 74);
- endorsed the labelling provisions in the draft standards for milk and milk products, pineapples and sugars with some amendments (paras. 6-20).

TABLE OF CONTENTS

OPENING OF THE SESSION.....	1- 2
ADOPTION OF THE AGENDA.....	3
MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES	4-5
CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS	6-20
DRAFT GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS.....	21-34
DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS	35-39
PROPOSED DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS OBTAINED THROUGH BIOTECHNOLOGY	40-49
PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CLASS NAMES).....	50-52
PROPOSED DRAFT AMENDMENT TO THE GUIDELINES ON NUTRITION LABELLING.....	53-59
PROPOSED DRAFT RECOMMENDATIONS FOR THE USE OF HEALTH CLAIMS	60-66
PROPOSED DRAFT RECOMMENDATIONS FOR SPORT AND ENERGY DRINKS.....	67-74
PROPOSED DRAFT GUIDELINES FOR THE USE OF THE TERM “VEGETARIAN”	75-81
OTHER BUSINESS, FUTURE WORK AND DATE AND PLACE OF THE NEXT SESSION	82-86

LIST OF APPENDICES

	<u>Pages</u>
Appendix I	List of Participants 14
Appendix II	Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (section 5.1) 33
Appendix III	Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (composite ingredients) 35
Appendix IV	Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (Livestock)..... 36
Appendix V	Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (class names) 46
Appendix VI	Proposed Draft Amendment to the Guidelines on Nutrition Labelling..... 47
Appendix VII	Proposed Draft Recommendations for the Use of Health Claims 48

INTRODUCTION

1) The Twenty-Seventh Session of the Codex Committee on Food Labelling was held from 27-30 April 1999 in Ottawa at the kind invitation of the Government of Canada. The Session was chaired by Dr. Anne Mackenzie, Associate Vice-President, Science Evaluation, Canadian Food Inspection Agency and was attended by 242 delegates, advisors and observers from 46 Member governments and 26 international organizations. A complete list of participants is attached as Appendix I to this report.

2) The Session was opened by Mr. Ronald L. Doering, President of the Canadian Food Inspection Agency, who welcomed the participants to Ottawa. He introduced the current restructuring of the Canadian food control system, including the establishment of the Canadian Food Inspection Agency to strengthen the integrated food inspection system. As regards Codex, he pointed out that the Codex Standards were being subject to more scrutiny by consumers, politicians and the media and stressed the particular relevance of the work of CCFL to provide guidance to consumers and allow them to make an informed choice as regards food.

ADOPTION OF THE AGENDA (Agenda Item 1)

3) The Committee adopted the Provisional Agenda (CX/FL 99/1) as the Agenda for the Session, with a change in the order of certain items to facilitate discussions. It agreed to discuss the proposal (CRD 9) of the United States concerning misleading labelling under Other Business and Future Work (Agenda Item 12). It also agreed to convene a Working Group for "Health Claims (Agenda Item 9)" to facilitate the discussion in the plenary.

MATTERS REFERRED TO THE COMMITTEE BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES (Agenda Item 2)¹

Matters Arising from Other Committees

4) The Committee noted the matters arising from the 21st Session of the Codex Committee on Nutrition and Foods for Special Dietary Uses and decided to discuss specific concerns under relevant Agenda Items. As regards the request from the Codex Committee on Processed Fruits and Vegetables for guidance on how to deal with fortification issues in commodity standards, the Committee was of the opinion that when Vitamin C is used for fortification purposes it should be declared in accordance with the General Guidelines on Claims.

Other Matters (Proposed Revision of the Labelling Provisions For Irradiated Foods)

5) The Committee had an exchange of view on the proposal made by the International Consultative Group on Food Irradiation. The Delegations of the United States, Germany (speaking on behalf of the member states of the European Union) and the Observer from Consumer International were of the opinion that the current provisions should be retained as the proposed revision would cause further confusion. Concern was expressed particularly on the proposed new provision in section 5.2.1 as it would mislead the consumer. The Observer from the European Community introduced current EC legislation that requires labelling of food and ingredients treated with ionizing radiation, regardless of the level of irradiated ingredients. The Delegation of Switzerland supported the proposed revision provided that the percentage in section 4.2.1.3 of the General Standard for the Labelling of Prepackaged Foods was reduced to 5%. The Committee agreed not to initiate new work at this stage.

CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS² (Agenda Item 3)

CODEX COMMITTEE ON MILK AND MILK PRODUCTS

6) The Committee recalled that its 25th Session (1997) had considered the labelling provisions in the draft standards for milk and milk products and referred them back to the CCMMP for clarification on several points.

¹ CX/FL 99/2

² CX/FL 99/3 (Milk Products), CX/FL 99/3-Add.1 (Pineapples/Sugars) CRD 1 (supporting information presented by IDF), CX/FL 99/3-Add.2 (comments of Canada) CRD 2 (Thailand) CRD 10 (Malaysia)

The Third Session of the CCMMP (1998) had further considered and amended these provisions and had also finalized the Draft General Standard for the Use of Dairy Terms. The Committee considered the provisions put forward by the CCMMP (ALINORM 99/11, Appendices II to XI) and made the following amendments and remarks.

Draft General Standard for the Use of Dairy Terms

7) The Committee agreed with the proposal of the Delegation of the United Kingdom to amend the titles of the sections so that they should read as follows 4.2 *Use of the Term Milk*; 4.3 *Use of the Names of Milk Products in Codex Commodity Standards*; 4.4 *Use of Terms for Reconstituted and Recombined Milk Products*; 4.5 *Use of Terms for Composite Milk Products*.

8) In section 4.1.2, the Delegation of India expressed the view that the standard should not require the identification of the animal from which milk had been derived. In section 4.3.3, the Delegation of Canada proposed to delete the requirement to specify the limits of compositional modifications in the case of modified products as this provision was unnecessary and too restrictive. The Committee however agreed to retain the current text.

9) The Delegation of Germany, speaking on behalf of the member states of the European Union, stressed the need to provide clear information to the consumer and proposed that protein standardization of milk should always be declared in the labelling. The Committee agreed with this proposal and amended the last paragraph of section 4.2.3 to read as follows: “the adjustment is declared in accordance with Section 4.2.2 of this standard”.

10) The Delegation of Malaysia, referring to its written comments, proposed to amend section 4.6.2 concerning the use of dairy terms for other foods, in order to allow the marketing of products which were traditionally used with those names (such as coconut milk) and products where the milk components had been substituted with other non-milk components to meet consumer demand, such as filled milk. The Delegation pointed out that this was necessary to allow technological innovation and address problems such as allergies, while offering a wide choice to the consumer.

11) Some delegations supported this proposal as it would allow the use of dairy terms for other foods, where the milk components have been substituted with non-milk components. Other delegations recalled that the standard had already been extensively discussed in the CCMMP and supported its endorsement without amendments; they pointed out in particular that the amendment to section 4.6.2 would represent a major change in the overall focus of the standard. The Committee agreed that the current provisions of section 4.6.2 allowed for the marketing of traditional products using dairy terms and retained the current text of that section.

12) The Committee also agreed with the proposal of the Delegation of the United Kingdom to add the following footnote to section 4.6.3 for clarification purposes: “This excludes descriptive names as defined in section 4.1.1.3 of the General Standard for the Labelling of Prepackaged Foods (GSLPF) and ingredients lists as defined in section 4.2.1.2 of the GSLPF providing the consumer would not be misled.”

13) The Committee endorsed the provisions in the Draft General Standard for Dairy Terms with the amendments mentioned above.

Common Labelling Provisions in Milk Products Standards

14) The Delegation of Denmark, supported by the Delegation of Norway, proposed that milk fat content should be declared in all cases because this information was an important competition factor as well as an element in the consumer’s choice as related to the quality of the product and its nutritional value. Other delegations expressed the view that the consequences of such an amendment should be carefully considered and that the need for milk fat declaration depended on the nature of the standard. The Committee agreed to retain the current text.

15) The Committee agreed with the proposal of the Delegation of Canada to indicate that when reference was made to servings, the declaration was made by serving “as quantified in the label” in conformity with the Guidelines on Nutrition Labelling. The Committee agreed to introduce this wording in all sections referring to milk fat declaration and milk protein declaration per serving to ensure that the standards were consistent.

Labelling Provisions in Individual Standards

16) The Delegation of Hungary proposed to delete the reference to butter for products with more than 95% fat as this would mislead the consumers. Other delegations pointed out that there was a need to distinguish between butter and pure milk fat products, and that the current provisions were intended to provide clear information to consumers on the nature of the product by requiring a descriptor for butter above 95% fat. The Committee agreed to retain the current text.

17) The Committee endorsed the labelling provisions in the Draft Standards for Milk and Milk Products as presented in ALINORM 99/11, Appendices IV to XI with the amendment mentioned in para.15 above.

CODEX COMMITTEE ON FRESH FRUITS AND VEGETABLES

Draft Revised Standard for Pineapples

18) The Committee recalled that the CCFFV had introduced a change in the general wording referring to the General Standard for the Labelling of Prepackaged Foods in view of the fact that pineapples are not usually pre-packaged. The Committee agreed that it was preferable to use the standard wording as follows: *“In addition to the provisions of the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985, Rev. 1-1991), the following specific provisions apply.”* The labelling section was therefore amended accordingly.

CODEX COMMITTEE ON SUGARS AND HONEY

Draft Standard for Sugars

19) The Committee had an exchange of view on the opportunity of deleting the reference to a maximum amount of starch in the list of Ingredients (section 5.2), as proposed by the Delegation of the United States. Some delegations supported retaining this information as this would prevent the addition of excessive amounts of starch and the Committee agreed to retain the current wording.

20) The Committee agreed to delete the second paragraph concerning the presence of anticaking agents as this was covered by the section on additive class names in the General Standard for the Labelling of Prepackaged Foods (section 4.2.2.3).

DRAFT GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (Agenda Item 4)³

21) The Committee recalled that the 26th Session had forwarded the Draft Guidelines to Step 8 with the exception of section 5.1 Criteria and the provisions related to animal production and animal products, which were returned to Step 6 for further comments and consideration. These sections and the comments received in response to CL 1998/18-FL and CL 1998/19-FL were considered by the *ad hoc* Working Group immediately prior to the Committee's meeting.

22) The Chairperson of the Working Group, Ms. Ruth Lovisolo (Australia), presented the revised sections of the Guidelines to the Committee and indicated that section 5.1 had been discussed in detail and finalized, and that the text on animal production had been significantly improved. However, further comments and consideration would be required in order to address all the issues relating to animal production. The Committee considered the amendments made to the text by the Working Group as follows.

Section 5.1 Requirements for inclusion of substances in Annex 2 and Criteria for the Development of Lists of Substances by Countries

³ CL 1998/19-FL, CX/FL 99/4 (comments of Argentina, Canada, Cuba, Denmark, Finland, France, Japan, Korea, Malaysia, Norway, Poland, Sweden, Switzerland, United States, EC, IFOAM, CX/FL 99/4-Add.1 (Thailand), Add. 2 (Canada), CRD 8 (Chile), CRD 14 (Japan), CRD 15 (IACFO))

23) The Working Group recognized the importance of providing framework criteria for use by developing countries that may not have the expertise to determine such criteria. However, having regard for the limited experience by member countries in applying the criteria, it had been agreed that section 5.1 might be used at the discretion of national governments until more experience had been gained in their use and application.

24) The substantive amendments made to the criteria included:

- A consolidation of common elements in the prefacing section of paragraph 5.1;
- Retention of, and further elaboration of, specific criteria relating to the use in organic production systems of substances for soil fertilization and plant protection, and for substances used as food additives and processing aids in organic food

25) The Committee noted the final statement under 5.1 which reflects the Commission's recommendation for transparency in the decision process and the involvement of all stakeholders.

26) The Observer from Consumers International, supported by the Observers from IFOAM and RAFL, proposed to include an additional statement to the effect that consumer preferences and other legitimate factors such as ethical concerns should be taken into account in the process. Some delegations and the Observer from the EC pointed out that the overall purpose of the Guidelines was to address specific consumer preference and that these aspects had been taken into account in the current text; in addition the statement referred to in para. 25 clearly specified that all stakeholders should be involved.

27) The Observer from IFOAM expressed the view that the finalization of the Guidelines was a very positive step, especially as all interested sectors had been able to participate in the elaboration process; however, further input from developing and Eastern European countries would be necessary, especially when revising the Guidelines, in order to take into account the conditions prevailing in those countries. The Observer also proposed that governments should facilitate the participation of interested stakeholders in national delegations.

28) The Committee agreed to forward Section 5.1 to the Commission for adoption at Step 8 as part of the Draft Guidelines (see Appendix II).

Animal Production

29) A general decision was made to use the term “livestock” rather than “animal” and it was agreed that the text, at this stage, would refer only to the bovine (including buffaloes), porcine, caprine, equine, poultry and bees raised for food or in the production of food. Reference to aquaculture was removed from the text for the present time although it was agreed that this should be addressed in the future. The Committee noted that IFOAM had made available its standard on aquaculture for information.

30) The text was re-structured for the purposes of clarity regarding the many different and important aspects of the production of livestock and livestock products, so as to address specific issues under the following headings (in bold):

- **general principles** for livestock production;
- **sources of livestock** and the periods necessary for the **conversion** of the various species to organic production;
- livestock **nutrition**;
- permitted **health care** measures that will not compromise the status of the organic product;
- general guidance on **livestock husbandry** practices, including the handling of animals during **transport** and **slaughter**;
- **housing** of livestock and **free-range conditions**;
- **manure management**;
- **record keeping and livestock identification**; and
- as agreed, specific requirements for the production and management of **bees** to ensure that the consumer is not deceived in the labelling of apiary products.

31) The Committee also agreed that the criteria for inputs within organic livestock production systems should be included under the specific sections of nutrition and health care within Annex 1.

32) The Delegation of Japan, supported by Korea, drew the attention of the Committee to the conditions of livestock production in Asia where the small size of farms might not allow compliance with all the provisions in the Guidelines. The Chairperson of the Working Group recalled that this point had been taken into account in the discussion and was covered by paragraph 3 referring to certain (traditional) farming systems.

Status of the Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods

33) The Committee agreed to forward section 5.1 of the Draft Guidelines to Step 8 for adoption by the Commission (see Appendix II) and to return to Step 6 the sections on Livestock and Livestock Production for further comments and consideration at the next session (see Appendix IV).

34) The Committee expressed its appreciation to Ms. Lovisolo and to the Working Group for their considerable work and the progress made on complex issues, and agreed that the Working Group would be convened again prior to the next session to consider the sections on livestock production.

DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (Agenda Item 5)⁴

35) The Committee recalled that the last Session agreed to forward the Draft Amendment concerning the list of ingredients which should be always be declared to Step 8, while it decided to return Section 4.2.1.3 (on the 25% rule) to Step 6 with the figure 5% in square brackets.

36) The Committee had an exchange of views on the proposed amendment. Some delegations, including Italy, expressed their view that the reduction of the level to 5 % did not have scientific justification. Other delegations suggested a full declaration of ingredients and deletion of the last sentence in 4.2.1.3, as detailed information on ingredients was important to consumers suffering from allergy or intolerance and to allow fully informed choice. However, those delegations also recognized the difficulties in its practical implementation and indicated that the reduction to 5% represented an acceptable compromise and was important for the purposes of consumer information in general. It was also pointed out that the 25% rule was set out for practical purposes and had no scientific basis. The Observer from Consumers International objected to retaining 25% and supported the deletion of any percentage rule.

37) The Observer from the European Community informed the Committee that they were considering the revision of current EC Directive 79/112 that exempts labelling of composite ingredients representing less than 25%. The Observer expressed the view that the figure of 5% should therefore remain in square brackets and that this matter should be considered from a general point of view.

38) The Committee noted that the reduction to 5% would offer an improved information for affected consumers although it would not completely solve the problem of hypersensitivity and that this provision should be seen in conjunction with the list of ingredients which are known to cause hypersensitivity and shall always be declared. The Committee also noted that the discussion in JECFA about the criteria for inclusion of substances in the list would further improve the scientific basis of those labelling provisions.

Status of the Draft Amendment to the General Standard for the Labelling of Prepackaged Foods

39) The Committee agreed to remove the square brackets from the figure of 5% and to forward the Draft Amendment to Step 8 for adoption by the 23rd Session of the Commission (see Appendix III).

⁴ ALINORM 99/22 Appendix VI, CX/FL 99/5(Comments from New Zealand, United States), CX/FL 99/5 Add.1 (Norway), Add.2 (Denmark), Add.3 (Thailand), Add.4 (Canada, Italy), CRD 11 (Chile)

PROPOSED DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS OBTAINED THROUGH BIOTECHNOLOGY (Agenda Item 6)⁵

40) The Committee recalled that the 26th Session had forwarded to the Commission for adoption at Step 5 the Definitions related to biotechnology (section 2) and the provisions on allergens (section 4.2.2), and had returned to Step 3 for further comments the labelling requirements (section 5)⁶.

41) The Delegation of the United States pointed out that there was no scientific basis to require systematic labelling of foods containing or obtained from genetically modified organisms and that only those foods which differed significantly from their conventional counterpart as regards composition, use or nutritional quality should be specifically labelled. The Delegation also stressed the difficulties of implementing systematic labelling requirements, indicated that distinctions based on the mode of production might imply that foods produced from GMOS were not safe, and expressed concern about the possibility of misleading negative labelling by competitors. This position was supported by the Observers from IFCGA, ASSINSEL and CRN who stressed that labelling of all foods produced from GMOs would be contrary to the general principles of labelling in Codex, would provide misleading information to consumers and would not be enforceable in practice.

42) The Delegation of Argentina stressed the importance of the role of science and risk analysis as a basis for decisions in Codex, and pointed out that there was no scientific basis for requesting information on the mode of production in the specific case of biotechnology, especially as this would not offer any additional guarantee concerning the safety of the food.

43) The Delegation of Germany, speaking on behalf of the member states of the European Union, indicated its clear preference for the alternative proposal based on the principle of mandatory labelling, noting however that this proposal required some amendments. The Observer from the EC indicated that, in order to allow consumers to make an informed choice, EC legislation required systematic labelling of all foods or ingredients consisting of or containing GMOs and labelling of foods and ingredients produced from GMOs but not containing them, when they were not any longer equivalent to existing foods or ingredients. The Observer stated that the notion of equivalence was currently evaluated according to the presence in foods or ingredients of DNA or protein resulting from genetic modification, and that these provisions allowed to take into account specific health problems (allergy) and ethical considerations. This position was supported by several delegations, which recalled that there was a strong demand for information on the mode of production from consumers in Europe.

44) The Delegation of Norway supported mandatory labelling of all products containing or issued from GMOs as ethical concerns of consumers related to the mode of production should be addressed, and comprehensive labelling was essential to ensure consumer confidence in food labelling in general. The Delegation supported the alternative proposal as amended by CI, but indicated that the proposal from the EC was acceptable as a second best alternative. The Delegation of Denmark expressed concern about the fact that the mode of production should be taken into account and therefore all foods containing or derived from biotechnology should be labelled.

45) Several delegations informed the Committee that consultations were ongoing in their countries on the development of a legislation addressing the labelling of genetically modified products, taking into account the views of the consumers and the industry, and the practical aspects of legislation enforcement. In reply to a question, the Secretariat informed the Committee that the Executive Committee had included in the Mid-Term Plan 1998-2002 the consideration of a general standard for foods derived from biotechnology and that the Commission would decide how to proceed with the elaboration of this standard.

46) The Observer from Consumers International, supported by the Observers from IACFO, RAFI, IFOAM recommended comprehensive and mandatory labelling of foods containing or produced directly from genetically modified organisms, in order to address health concerns, especially related to allergens, and to allow consumers to make an informed choice. This labelling should extend to foods produced from genetically modified ingredients processed to the extent that they were no longer detectable. In addition, the Observers from IFOAM,

⁵ CX/FL 99/6 (comments of United Kingdom, United States), CX/FL 99/6-Add.1 (Denmark), Add.2 (EC, Consumers International), Add. 3 (Canada), CRD 6 (ILSI), CRD 19 (Japan)

⁶ ALINORM 99/22, Appendices VII and VIII

RAFI and IACFO stressed the importance of the identification of genetically modified products for organic farmers since GMOs or products thereof were not allowed in organic production systems. The Observer from IFOAM expressed concern that the terms "biotechnology" or "modern biotechnology" were misleading for consumers and indicated that "genetically engineered/modified" was more appropriate.

47) The Committee had an exchange of views on the opportunity of applying the recommendations to novel foods which were not produced through biotechnology; some delegations stressed that changes in composition, nutritional value or other characteristics of all foods should be made known to the consumers irrespective of the mode of production, while other delegations and observers supported limiting the scope of the text to foods derived from GMOs. The Committee did not come to a conclusion on this matter.

48) Several delegations pointed out that the concept of substantial equivalence was used in the context of safety assessment but was not appropriate when considering labelling issues and the Committee agreed that the word "substantial" would be deleted and consideration would be given to the term "equivalence" with a conventional food in this perspective. The Committee agreed with the proposal of the Delegation of Canada to consider further how the concept of equivalence could be clarified for the purpose of labelling, which could be achieved by a working group.

Status of the Proposed Draft Recommendations for the Labelling of Foods Obtained through Biotechnology

49) The Committee agreed to return the Proposed Draft Recommendations to Step 3 for redrafting by a Working Group⁷ coordinated by the Delegation of Canada, which would prepare a revised version for circulation and consideration by the next session.

PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CLASS NAMES) (Agenda Item 7)⁸

50) The Committee recalled that the provisions of the proposed draft amendment on class names had been referred by the Committee on Milk and Milk Products and that the last session had agreed to circulate two proposals for further comments at Step 3 of the normal Procedure.

51) The Committee had an exchange of views and agreed to combine the two classes into one. Some delegations proposed a minimum level of 50% milk protein. The Committee agreed to put the title of the class name, "milk protein/milk protein product" and the minimum level of milk protein, "30/35%" in square brackets.

Status of the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (Class Names)

52) The Committee agreed to forward the Proposed Draft Amendment to the Commission at Step 5 (see Appendix V). It also agreed to forward the Proposed Draft Amendment to the Committee on Milk and Milk Products for further consideration.

PROPOSED DRAFT AMENDMENT TO THE GUIDELINES ON NUTRITION LABELLING (Agenda Item 8)⁹

⁷ Argentina, Australia, Austria, Brazil, Canada, Chile, Denmark, Finland, France, Germany, Ireland, Japan, Korea, Malaysia, Norway, Romania, South Africa, Spain, Sweden, Switzerland, Thailand, United Kingdom, United States, EC, ASSINSEL, IFOAM, RAFI, Consumers International, ILSI, CIAA, COMISA, IACFO, ICGMA

⁸ CL 1998/18-FL, CX/FL 99/7 (comments of New Zealand, United Kingdom, United States) CX/FL 99/7 Add-1 (European Community), Add-2 (Denmark), Add-3 (Canada), CRD 3 (Thailand)

⁹ ALINORM 99/22 Appendix XI, CX/FL 99/8 (comments from Norway, United States) CX/FL 99/8 Add.1 (CIAA, EC) CX/FL 99/8 Add.2 (Denmark) CX/FL 99/8 Add.3 (Thailand) CX/FL 99/8 Add.4 (Canada), CX/FL 99/8 CRD.7 (ILSI) CX/FL 99/8 CRD.13 (Chile) CX/FL 99/8 CRD 16 (IACFO)

53) The Committee recalled that at the last session there were divergent opinions on the need for mandatory labelling of sugars, fibre, saturated fat and sodium when nutrition labelling was applicable. The Committee also noted that the Committee on Nutrition and Foods for Special Dietary Uses, at its 21st Session in September 1998, had discussed the public health needs for the mandatory labelling of those nutrients and that it had not reached any final conclusion so far.

54) The Delegation of Malaysia proposed to defer the discussion on this Agenda Item until such time as the advice from the CCNFSDU on the public health need for nutrition labelling became available.

55) Several delegations and observers expressed the view that the public health needs of consumers supported mandatory labelling of those four nutrients when nutrition labelling was applied. Several other delegations and observers indicated that the necessity of such labelling should be determined by national authorities, taking into account each country's status of public health. Those delegations also stressed the importance of consumer education on food and health. The Observer from IACFO supported easy-to-read mandatory nutrition labelling using this approach, regardless of whether a claim was made. The Delegation of Japan indicated that further discussion was necessary on the definition of the additional four nutrients.

56) The Delegation of Germany, speaking on behalf of the member states of the European Union, introduced the current legislation in the European Community on nutrition labelling (Directive 90/496/EEC) whereby only when nutrition claims related to sugar, saturated fat, fibre, or sodium were made, information on those four nutrients had to be provided. The Observer from the EC indicated that this approach balanced the consumer's need for information and the burden of labelling for the industry and provided more flexibility, and proposed to adopt this approach in the proposed draft amendment. Many delegations expressed their support for this proposal as it represented a good compromise and a significant progress to improve nutrition labelling.

57) The Committee agreed to change Section 3.2.1.2 to read as follows: "The amount of protein, available carbohydrate (i.e., carbohydrate excluding dietary fibre), fat: and where a nutrition claim is made for one or more of these nutrients, the amount of sugars, fibre, saturated fatty acids, and sodium

58) As regards the concept of "significant amount" of the vitamins and minerals (Section 3.2.5) and its footnote, the Delegation of Australia, other delegations and the Observer from the European Community proposed to change the figure of 5% to 10 or 15%. Several other delegations opposed this proposal, indicating that the revision would preclude the declaration of most sources of vitamins and minerals and needed further consideration. The Committee agreed to retain the current figure.

Status of the Proposed Draft Amendment to the Guidelines on Nutrition Labelling

59) The Committee agreed to forward the Proposed Draft Amendment to the Commission for adoption at Step 5 (see Appendix VI).

PROPOSED DRAFT RECOMMENDATIONS FOR THE USE OF HEALTH CLAIMS (Agenda Item 9)¹⁰

60) The Committee recalled that the 26th Session had discussed the Proposed Draft Recommendations and asked the advice of the CCNFSDU on the scientific basis of health claims. The 21st Session of the CCNFSDU had a general discussion on this question and agreed that a specific working document should be prepared for further consideration at its 22nd Session (June 2000).

61) The Delegation of Malaysia expressed the view that consideration of this issue should be deferred until the CCNFSDU had reached a conclusion. Several delegations pointed out that the responsibility of the CCNFSDU was to establish the scientific basis of health claims but that CCFL should continue its work in order to define such claims and determine under which conditions they could be used.

¹⁰ ALINORM 99/22, Appendix X, CX/FL 99/9 (comments of France, New Zealand, IADSA) CX/FL 99/9-Add.1 (CIAA), Add.2 (Denmark), Add. 3 (Thailand), Add. 4 (Canada), CRD 4 (Cuba), CRD 5 (ILSI), CRD 12 (Chile)

62) The Delegation of Norway and the Observer from Consumers International reiterated their position that health claims should not be permitted as they were misleading for consumers, and that only a balanced diet would provide health benefits. The Observer from IACFO stated that it was premature to set a Codex standard for health claims and expressed concern about significant loopholes, declining standards for scientific substantiation, premarket approval in the only two regulatory models for health claims.

63) Some delegations expressed the view that the Committee should not develop guidelines concerning health claims as this should be left to the national authorities in view of their specific public health concerns.

64) The Observer from the EC informed the Committee that currently therapeutic claims were not allowed according to EC legislation but that a general debate on all relevant aspects of this issue was underway in the EU. The Delegation of France indicated that it had considered this question in detail at the national level and had prepared a document which might be of use to the Committee in future discussions on health claims.

65) The Committee agreed to establish an informal Working Group¹¹ to consider the comments received and incorporate them in the current text. Following its meeting during the session, the Chair of the Working Group, Dr. F.E. Scarborough (United States) informed the Committee that the current Draft Recommendations had been revised in the light of the comments received but that due to time constraints the document still required detailed consideration. The Delegation of Canada proposed that in order to facilitate the revision of the text a Working Group should be established prior to the next session to consider the comments received in detail and achieve consensus on the definitions and conditions for use of health claims

Status of the Proposed Draft Recommendations for the Use of Health Claims

66) The Committee agreed to return the Proposed Draft Recommendations, as amended during the present session to Step 3 for further comments (see Appendix VII) and consideration by the next session. It was also agreed that a Working Group, coordinated by the United States and Canada, in cooperation with France and the United Kingdom, would meet immediately prior to the session to facilitate consideration of this matter, the exact arrangements to be determined by the host country.

PROPOSED DRAFT RECOMMENDATIONS FOR SPORTS AND ENERGY DRINKS (Agenda Item 10)¹²

67) The Committee recalled that the 22nd Session of the Commission had approved the elaboration of the Recommendations as new work, as the primary problem related to claims being made for such products and requested the CCFL to coordinate its work with the Committee on Food Additives and Contaminants and the Committee on Nutrition and Foods for Special Dietary Uses as required. The 26th Session had considered a first draft of the Recommendations and agreed that South Africa would redraft it in the light of the comments received and the discussions at the session.

68) The Delegation of South Africa presented the revised Recommendations and proposed to amend the text to delete the list of electrolytes in the definition of “isotonic” as the substances which could be included were addressed in the General Standard for Food Additives (GSFA). The Committee noted that sports drinks were included in one of the food categories of the GSFA. The Committee expressed its appreciation to the Delegation of South Africa for its work on this complex issue and considered how to proceed further in this area.

69) Several delegations and observers expressed the view that the Committee should not proceed with consideration of this question as a claims issue should not be addressed through the establishment of standards for specific products but rather from a general perspective, such as the definition of a claim for high energy. The Delegation of New Zealand proposed that if a high energy claim for foods was to be developed, provision for both liquid and solid foods should be included. Several delegations pointed out that the level proposed for energy (190 kJ) was too low if a “high energy” claim was made and recalled that in the *Guidelines for Use of Nutrition*

¹¹ Canada, United States, France, United Kingdom, New Zealand, Denmark, Japan, Sweden, Brazil, Chile, Germany, Italy, EC, CI, IACFO, IADSA, ILSI, ICGMA, IDF, CIAA

¹² CX/FL 99/10, CX/FL 99/10-Add.1 (comments of Japan, Thailand, ISDC), CX/FL 99/10-Add.2 (Canada)

Claims the comparison should be based on a relative difference of at least 25%; they supported a similar approach in the case of sports drinks. The Observer from Consumers International suggested that sports drinks were a matter for the CCNFSDU and energy drinks should be considered under health claims.

70) The Committee had an exchange of views of the opportunity of including a claim for “alcohol free” in these products and agreed that it was not relevant, as the main question to be addressed was the amount of energy and the intended use of the product. The Committee noted that alcohol free was a general claim which, if considered, should apply to all foods and beverages.

71) The Delegations of Switzerland and New Zealand made specific proposals for the amendment of the text, especially as regards the definitions and limitation of nutrients and electrolytes to those lost during physical exercise, and supported further consideration of the text by the CCNFSDU. Several delegations and the Observer from the EC stressed that sports drinks were foods for special dietary uses as defined in their legislation and were intended to meet the specific needs of certain categories of population; such products should therefore be considered by the CCNFSDU. As regards energy drinks, some delegations expressed the view that work should not proceed on such products. The Observer from IACFO indicated that energy drinks as such did not provide any special nutritive benefit beyond the calories provided by ordinary foods. Several delegations expressed their concern with the inclusion in energy drinks of the substances mentioned in section 1.2, which could have adverse effects on health and should not be considered in the framework of Codex. Some delegations proposed that the level of caffeine should be referred to the CCNFSDU for consideration.

72) The Observers of ISDC and ITIC expressed the view that no standard should be developed in relation to the definition of claims, which should be addressed horizontally and pointed out that sports and energy drinks were not foods for special dietary uses and should not be referred to the CCNFSDU, nor should conditions for claims be considered by that Committee.

73) The Committee agreed that the definition of “alcohol free” and “isotonic/hypertonic/hypotonic” should not be retained; consequently the essential issues to be addressed were the definition of sports drinks as foods for special dietary uses and the claim for high energy. The Committee agreed that these matters should be forwarded to the CCNFSDU for consideration and that at this stage there was no need for the CCFL to consider this issue further. The Committee might however consider the necessity for further work falling within its competence, such as the amendment of the General Guidelines on Claims or the Guidelines for Use of Nutrition Claims, when the advice of the CCNFSDU became available.

Status of the Proposed Draft Recommendations for Sports and Energy Drinks

74) The Committee agreed to discontinue consideration of the Proposed Draft Recommendations for the time being and to return to this matter after the CCNFSDU had provided advice on whether “sports drinks” should be considered as foods for special dietary uses and on the conditions for the claim for “high energy”.

PROPOSED DRAFT GUIDELINES FOR THE USE OF THE TERM “VEGETARIAN” (Agenda Item 11)¹³

75) The Committee recalled that its last session agreed not to elaborate general guidelines for the use of the term “vegetarian” and to restrict its work to the elaboration of definitions for claims used on product labels. It also agreed that South Africa would redraft the document (CX/FL 98/12), in collaboration with India, for further consideration.

76) The Delegation of South Africa presented the proposed draft recommendation (CX/FL 99/11) and proposed further modifications of the text under “Another alternative”. Proposed wording was as follows: (viii) A claim that a foodstuff is suitable for vegetarians, should specify the categories of vegetarian, namely:

- “Ovo-Lacto Vegetarian” means ingredients of plant origin (vegetable and fruit), dairy food and eggs
- “Lacto-Vegetarian” means ingredients of plant origin (vegetable and fruit), and dairy food.

¹³ CX/FL 99/11, CX/FL 99/11 Add-1 (comments from Mexico, Thailand), CX/FL 99/10 Add-2 (Canada)

- “Ovo-Vegetarian” means ingredients of plant origin (vegetable and fruit), and eggs
- “Vegan” or “Strictly Vegetarian” means ingredients of plant origin (vegetable and fruit), only.

77) The Delegation of India informed the Committee that due to problems of communication with South Africa India’s view had not been incorporated into the Proposed Draft Recommendation but agreed with the new text proposed by South Africa during the meeting. The Delegation indicated that in the light of religious concerns and cultural practices in India and other Asian countries "vegetarian" should not include eggs. The Delegation of Sweden stated that "vegetarian" should be restricted to ingredients of plant origin, while the Delegation of Thailand supported the proposal made by South Africa. The Delegation of Mexico expressed their view that “Vegetarian” should be classified into three categories and that “Ovo-Lacto Vegetarian” was not necessary as it was already included in the definition of ovo-vegetarian and lacto-vegetarian.

78) Several delegations pointed out that further clarification was necessary, such as on the application to honey, rennet in cheese, or food groups such as fungi. The Delegation of France also pointed out that the word “Vegan” should be translated into French as “Vegetalien”.

79) As regards an appropriate Codex text in which the proposed draft amendment should be incorporated, the Delegation of Switzerland recommended the amendment of the Codex General Guidelines on Claims.

80) The Committee expressed its appreciation for the effort made by South Africa. Since further deliberation was needed, the Committee requested the Delegation of South Africa to redraft the document in collaboration with India for circulation and further consideration at its next session.

Status of the Proposed Draft Guidelines for the Use of the Term “Vegetarian”

81) The Committee agreed to return the Proposed Draft Recommendation to Step 3 for redrafting, further comments and consideration at the next session.

OTHER BUSINESS, FUTURE WORK AND DATE AND PLACE OF NEXT SESSION (Agenda Item 12)¹⁴

Other Business

82) The Delegation of the United States introduced the proposal put forward in CRD 9 concerning new work on the consideration of misleading claims, pointing out that although misleading claims were covered in general terms in the General Guidelines on Claims, there was a need for further clarification of what would constitute a misleading claim. The Delegation indicated that some claims might be factually correct but give misleading messages concerning health or other benefits, as compared to similar products, for example by referring to “cholesterol free” for 100% vegetable oil with a heart symbol, and proposed to develop criteria to prevent the use of such claims.

83) Several delegations and the Observer from IACFO expressed the view that misleading claims were already covered by the general labelling texts and that there was no need to develop additional criteria in this area, and expressed their concern that the proposal would create confusion. These delegations also noted that there had not been enough time to consider the paper presented and indicated that it would need careful consideration to clarify its implications as related to possible future work of the Committee. The Delegation of Denmark indicated that its national legislation contained a general clause against misleading claims.

84) As there had been insufficient discussion at the present session, the Committee agreed that the Delegation of the United States would redraft its proposal as a discussion paper on criteria for misleading claims in order to clarify its objectives, for further consideration at the next session. The Delegation of the United States invited member countries to provide information and comments on their experience in this area.

¹⁴

CRD 9 (proposal of the United States), Unnumbered CRD (comments of Consumers International)

Future Work

85) The Committee noted that in addition to standing items on the Agenda, its future work would include:

- Draft Guidelines for the Production Processing Labelling and Marketing of Organically Produced Foods (Livestock and Livestock Products)
- Draft Amendment to the General Standard - Class Names (milk protein)
- Draft Amendment to the Guidelines on Nutrition Labelling
- Labelling of Foods Obtained through Biotechnology

- Proposed Draft Recommendations for the Use of Health Claims
- Proposed Draft Recommendations for the Use of the Term “Vegetarian”
- Discussion paper on misleading claims

Date and Place of the Next Session

86) The Committee noted that its 28th Session was tentatively scheduled to be held in Ottawa from 8 –11 May 2000, the exact arrangements to be determined between the host country and Codex Secretariats.

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by	Document Reference in ALINORM 99/22A
Draft Guidelines for Organically Produced Foods (section 5.1)	8	Governments 23rd CAC	para. 33 Appendix II
Draft Amendment to the General Labelling Standard (composite ingredients)	8	Governments 23rd CAC	para. 39 Appendix III
Draft Guidelines for Organically Produced Foods (Livestock)	6	Governments 28th CCFL	para. 33 Appendix IV
Proposed Draft Amendment to the General Labelling Standard (class names)	5	Governments 23rd CAC	para. 52 Appendix V
Proposed Draft Amendment to the Guidelines on Nutrition Labelling	5	Governments 23rd CAC	para. 59 Appendix VI
Proposed Draft Recommendations for the Use of Health Claims	3	Governments 28th CCFL	para. 66 Appendix VII
Proposed Draft Recommendations on Labelling/Biotechnology	3	Governments 28th CCFL	para. 49
Proposed Draft Guidelines for Use of the Term "Vegetarian"	3	South Africa/ India Governments 28th CCFL	para. 81
Proposed Draft Recommendations for Sports and Energy Drinks		22nd CCNFSDU	para. 74

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**DRAFT GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING
AND MARKETING OF ORGANICALLY PRODUCED FOODS**
(at Step 8 of the Procedure)

SECTION 5. REQUIREMENTS FOR INCLUSION OF SUBSTANCES IN ANNEX 2 AND CRITERIA FOR THE DEVELOPMENT OF LISTS OF SUBSTANCES BY COUNTRIES¹

5.1 At least the following criteria should be used for the purposes of amending the permitted substance lists referred to in Section 4. In using this criteria to evaluate new substances for use in organic production, countries should take into account all applicable statutory and regulatory provisions. Any new substances must meet the following general criteria:

- i) they are consistent with principles of organic production (see Forward, paragraph 7);
- ii) use of the substance is necessary/essential for its intended use;
- iii) use of the substance does not result in, or contribute to, harmful effects on the environment;
- iv) they have the lowest negative impact on human or animal health and quality of life; and
- v) approved alternatives are not available in sufficient quantity and/or quality.

The above criteria are intended to be evaluated as a whole in order to protect the integrity of organic production. In addition, the following criteria should be applied in the evaluation process:

- (a) if they are used for fertilization, soil conditioning purposes --
 - they are essential for obtaining or maintaining the fertility of the soil or to fulfil specific nutrition requirements of crops, or specific soil-conditioning and rotation purposes which cannot be satisfied by the practices included in Annex 1, or other products included in Table 2 of Annex 2; and
 - the ingredients will be of plant, animal, microbial, or mineral origin and may undergo the following processes: physical (e.g., mechanical, thermal), enzymatic, microbial; and
 - their use does not have harmful impact on soil organisms and/or the physical characteristics of the soil;
- (b) if they are used for the purpose of plant disease or pest and weed control --
 - they should be essential for the control of a harmful organism or a particular disease for which other biological, physical, or plant breeding alternatives and/or effective management practices are not available, and
 - substances should be plant, animal, microbial, or mineral origin and may undergo the following processes: physical (e.g. mechanical, thermal), enzymatic, microbial (e.g. composting, digestion);

¹ These criteria are recommended to governments on a trial basis in order to achieve experience with organic production principles and rules at national level. They will be reviewed within a period of 4 years. Until such review has taken place, Member Countries may implement these criteria or the criteria which they have developed on the basis of the experience they have made at national level.

- however, if they are products used, in exceptional circumstances, in traps and dispensers such as pheromones, which are chemically synthesized they will be considered for addition to lists if the products are not available in sufficient quantities in their natural form, provided that the conditions for their use do not directly or indirectly result in the presence of residues of the product in the edible parts;
- (c) if they are used as additives or processing aids in the preparation or preservation of the food :
 - these substances are found in nature and may have undergone mechanical/physical processes (e.g. extraction, precipitation), biological/enzymatic processes and microbial processes (e.g. fermentation),
 - or, if these substances mentioned above are not available from such methods and technologies in sufficient quantities, then those substances that have been chemically synthesized may be considered for inclusion in exceptional circumstances;
 - they are essential to prepare such product because there are no other available technologies;
 - the consumer will not be deceived concerning the nature, substance and quality of the food.

In the evaluation process of substances for inclusion on lists all stakeholders should have the opportunity to be involved.

**DRAFT AMENDMENT TO THE GENERAL STANDARD
FOR THE LABELLING OF PREPACKAGED FOODS²**
(at Step 8 of the Procedure)

Section 4.2.1.3

Where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared, as such, in the list of ingredients, provided that it is immediately accompanied by a list, in brackets, of its ingredients in descending order of proportion (m/m). Where a compound ingredient (for which a name has been established in a Codex standard or in national legislation) constitutes less than 5% of the food, the ingredients, other than food additives which serve a technological function in the finished product, need not be declared.

² Proposed amendment underlined.

**DRAFT GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING
AND MARKETING OF ORGANICALLY PRODUCED FOODS
LIVESTOCK and LIVESTOCK PRODUCTS**
(at Step 6 of the Procedure)

SECTION 1. SCOPE

1.1 These guidelines apply to the following products which carry, or are intended to carry, descriptive labelling referring to organic production methods:

- (a) unprocessed plants and plant products, **livestock and livestock products**, and

SECTION 2. DESCRIPTION AND DEFINITIONS

2.1 Description

Add the following:

...The basis for organic livestock husbandry is the development of a harmonious relationship between land and livestock, and respect for the physiological and behavioural needs of livestock. This is achieved by a combination of providing good quality organically grown feedstuffs, appropriate stocking rates, livestock husbandry systems appropriate to behavioural needs, and animal management practices that minimize stress and seek to promote health and prevent disease.

2.2 Definitions

livestock means any domestic or domesticated animal including bovine (including buffalo and bison), ovine, porcine, caprine, equine, poultry and bees raised for food or in the production of food. [The products of hunting or fishing of wild animals shall not be considered part of this definition.]

veterinary drug means any substance applied or administered to any food-producing animal, such as meat or milk-producing animals, poultry, fish or bees, whether used for therapeutic, prophylactic or diagnostic purposes or for modification of physiological functions or behaviour³.

³

ANNEX 1

B. Livestock and livestock products

General Principles

1. Where livestock for organic production are maintained, they should be an integral part of the organic farm unit and should be raised and held according to these guidelines.
2. Livestock can make an important contribution to an organic farming system by:
 - (a) improving and maintaining the fertility of the soil;
 - (b) managing the flora through grazing;
 - (c) diversifying the biology and interactions of the farm; and
 - (d) increasing the diversity of the farming system.
3. Livestock production is a land related activity. Herbivores must have access to pasture and all other animals must have access to open-air runs, whenever their physiological state, weather conditions and state of the land so permit. Livestock may be temporarily confined based on their stage of production, during periods of inclement weather, when their health, safety or well being could be jeopardized, or to protect plant, soil and water quality.
 - The competent authority may allow exceptions in certain circumstances, providing the welfare of the animals can be guaranteed, for example:
 - .. where the structure of the organic unit prevents access to pasture, as occurs in certain (traditional) farming systems, or
 - .. where the feeding of animals with carried fresh fodder is a more sustainable way to use land resources than grazing.
4. Stocking rates for livestock should be appropriate for the region in question taking into consideration feed production capacity, stock health, nutrient balance of both stock and soils, and environmental impact.

Livestock Sources/Origin and Conversion

5. The selection of breeds and strains [and breeding methods] should be consistent with the principles of organic farming, taking into account:
 - a) their adaptation to the local conditions;
 - b) their vitality and resistance to disease;
 - c) the absence of specific diseases or health problems associated with some breeds and strains (porcine stress syndrome, spontaneous abortion etc).
6. Livestock used for products satisfying Section 1.1 (a) of these guidelines must come, from birth or hatching, from production units complying with these guidelines, or have been the offspring of parents raised under the conditions set down in these guidelines. They must be raised under this system throughout their life.
 - Livestock may not be transferred between organic and non-organic units. Countries can establish detailed rules for the purchase of livestock from other units complying with these guidelines.
7. When an operator can demonstrate to the satisfaction of the official or officially recognized inspection/certification body that livestock satisfying the requirements indicated in the previous paragraph are not available, official or officially recognized inspection/ certification body may allow livestock not raised according these guidelines under the following circumstances:
 - a) high mortality of animals caused by [health or] catastrophic circumstances;

- b) [until 2005] for considerable expansion of the farm, when a breed is changed or when new livestock specialization is developed. In these cases [no more than 40% of] the livestock that are being introduced may come from non-organic sources;
- c) for the renewal of a herd, up to 10% of adult equine or bovine livestock and 20% of adult porcine, ovine and caprine livestock as a *femelle nulliparus* [bred/non bred];
- d) males for breeding;
- e) for the commencement of the organic activity and/or during a transitional period expiring December 2005;
- f) for poultry for meat production, pullets for egg production and pigs for meat production during a transitional period expiring December 2005.

8. These livestock qualified by the derogations indicated in the previous paragraph must comply with the conditions set out in Schedule 1 below. The conversion periods laid down in Schedule 1 must be observed if the products are to be sold as organic according to Section 3 of these guidelines.

9. The conversion of the land intended for feeding crops or pastures must comply with the rules set out in Part A, paragraphs 1,2, and 3 of this Annex.

10. If livestock products are to be sold as organic, the livestock must be reared according to these guidelines for at least the conversion periods indicated in Schedule 1.

11. The competent authorities may reduce the conversion periods or conditions established in paragraph 9 (for the land) and/or paragraph 10 (for the livestock and livestock products) in the following cases:

- a) pasture, open air runs and exercise areas used by non-herbivore species;
- b) for bovine, ovine and caprine coming from extensive husbandry during a transitional period expiring end of 2005 or dairy herds converted for the first time;
- c) if there is simultaneous conversion of the complete production unit (livestock and land used for feeding) the livestock conversion period may be reduced to two years only in the case where the existing livestock and their offspring are fed mainly with products from the unit.

SCHEDULE 1

Species and types of production.	Livestock not complying with these Guidelines	
	Conversion period	Conditions
Bovine and equine 1. Meat production 2. Milk production	[12 months]	3/4 of lifespan in organic farming, as soon as they are weaned and less than 6 months old (except for derogation in paragraph 11b)
	[12 months]	Livestock with lifespan longer than 1 year and brought in less than 5 weeks old
	[6 months]	As soon as they are weaned and less than 6 months old.
	[12 months]	80% organic feed during 9 months and 100% organic feed for 3 months (only herds converted for the first time, see 11b).
	[12 weeks]	??
	[30 days]	??
Ovine and caprine 1. Meat production 2. Milk production	[6 months]	As soon as they are weaned and less than 45 day old.
	[6 months]	2/3 lifespan in organic farming when lifespan is longer than 1 year.
	[6 months]	As soon as they are weaned and less than 45 days old.
	[12 months]	80% organic feed during 9 months and 100% organic feed for 3 months.
	[12 weeks]	??
	[30 days]	??
Porcine Meat	[6 months]	As soon as they are weaned and weigh less than 25 kg or [45 days old].
Poultry/laying hens 1. Meat 2. Eggs	[10 weeks]	Less than 7 days old.
	[6 weeks]	Less than 18 weeks old
	[30 days]	??

Nutrition

12. All livestock systems should provide the optimum level of 100% of the diet from feedstuffs (including 'in conversion' feedstuffs) produced to the requirements of these guidelines. When regionally available, the livestock should be fed 100% organically grown food.

13. [Until 2005,] where an operator can demonstrate to the satisfaction of the official or officially recognized inspection/certification body that feedstuffs satisfying the requirement outlined in paragraph 12 above are not available, the inspection/certification body may allow feedstuff not produced according to these guidelines providing it does not contain genetically modified organisms or products thereof.

- Livestock products will maintain their organic status providing feed consisting of at least 85% for ruminants and 80% for non-ruminants, calculated on a dry matter basis, is from organic sources produced in compliance with these guidelines.

14. Feed supplements may be in the form of:

- minerals and trace elements;
- molasses;
- kelp;
- stone meal and charcoal;
- fish oils and other fish-by products;
- shells, cuttle fish bones;
- meatmeal consisting of no more than 2% of the total diet.

15. Specific livestock rations should take into account:

- the need of young mammals for natural, preferably maternal, milk;
- that a substantial proportion of dry matter in the daily rations of herbivores needs to consist of roughage, fresh or dried fodder, or silage;
- the need for cereals in the fattening phase of poultry;
- roughage, fresh or dried fodder or silage in the daily ration for pigs and poultry.

16. Silage may not be used exclusively for polygastric animals. Silage preservatives may be comprised of only:

- sea salt;
- coarse rock salt;
- yeasts;
- lactic, acetic, formic and propionic bacteria, or their natural acid product;
- enzymes;
- whey;
- sugar; or sugar products such as molasses;
- honey.

17. All livestock must have ample access to fresh water of a good quality.

[18. If substances are used for the purpose of feedstuffs the following criteria should apply:

- they are necessary/essential to maintain animal health and vitality; and
- they contribute to an appropriate diet fulfilling the physiological and behavioural needs of the species concerned; and
- they are primarily of plant, mineral or animal origin provided that –
 - a) for herbivores the feeding of mammalian material, excluding milk or milk products, is prohibited, and
 - b) for non-herbivores meat meal should not be given to the same species;

- they are –
 - a) as found in nature and may have undergone only mechanical/physical processes (e.g. precipitation, extraction only with water but without chemical solvents, refining without chemical treatment), biological/enzymatic processes and microbial processes (e.g. fermentation), or
 - b) if substances included in a) above are not available in sufficient quantities, then other substances may be considered in exceptional circumstances, e.g. vitamins, trace elements (pure amino acids); and
 - no synthetic nitrogen (e.g. urea) or non-protein nitrogen compounds are used; and
 - they are not from materials and/or products derived from genetically engineered/modified organisms.
19. If substances are used as additives or processing aids in the preparation of feedstuff the following should be taken into account in addition to the criteria in paragraph 18 above:
- additives or processing aids derived from genetically engineered/modified source are not permitted;
 - synthetic products for the purpose of stimulating growth are not permitted;
 - antioxidants: only natural sources are allowed;
 - flavours and appetite stimulants: only natural sources are allowed;
 - products against coccidiosis and histaminases are not permitted;
 - emulsifier, stabilizers, thickeners: only natural sources are allowed;
 - colouring agents (including pigments): only natural sources are allowed;
 - preservatives: only organic acids for poultry feedstuff are allowed;
 - vitamins and provitamines: natural sources are preferred. Use for the purpose of stimulating growth or production is not permitted;
 - trace elements⁴: natural sources are preferred. Use for the purpose of stimulating growth or production is not permitted;
 - binders, surfactants, anti-caking agents: only natural sources are permitted;
 - probiotics are allowed;
 - enzymes: are not allowed;
 - antibiotics: are not allowed.]

Health Care

20. Management practices, feeding and selective breeding are the main tools to keep the livestock healthy and free from parasites and disease.

21. The use of veterinary drugs on livestock in the absence of illness is prohibited. Where specific disease or health problems occur and no alternative permitted treatment or management practice exists, or in cases required by law, vaccination of livestock and therapeutic use of veterinary drugs are permitted. Withdrawal periods required in either case should be double that required by legislation. [After 2005 the use of antibiotics will not be permitted for livestock or livestock product labelled as organic.]

22. If substances are used for the maintaining the health of the livestock, the following criteria should apply:

- they are essential in the advent of a disease outbreak provided that other biological, cultural, or physical treatments are not available;
- the conditions for their use do not directly or indirectly result in the presence of residues of the product in the edible parts, and
- their use does not result in, or contribute to, unacceptable effects on, or contamination of, the environment.

⁴ The volume in the daily rations should be restricted to avoid any contamination of soils, eg copper in porcine slurry.

23. Producers should not withhold medication where it will result in unnecessary suffering of the livestock even if the use of such medication will cause the animal to lose its organic status.
24. Synthetic vitamins, in the absence of natural source vitamins, pure amino acids and trace element supplements are permitted, providing they are not produced through gene technology, and are necessary to maintain health.
25. Hormonal treatment may only be used for therapeutic reasons and under veterinary supervision.
26. Growth stimulants or substances used for the purpose of stimulating growth or production are not permitted.

Livestock Husbandry, Transport and Slaughter

27. Maintenance of livestock should be guided by an attitude of care, responsibility and respect for living creatures.
28. Breeding methods should be in compliance with the principles of organic farming taking into account:
- i) the breeds and strains suitable for raising under local conditions and under an organic system;
 - ii) the preference for reproduction through natural methods, although artificial insemination may be used;
 - iii) that embryo transfer techniques and the use of hormonal reproductive treatment may not be used;
 - iv) that breeding techniques employing genetic engineering must not be used.
29. Operations such as attaching elastic bands to the tails of sheep, tail-docking, cutting of teeth, trimming of beaks and dehorning must not be carried out systematically in organic farming. Some of these operations may, however, be authorized in exceptional circumstances by the competent authority or its delegate, for reasons of safety (e.g. dehorning in young animals) or if they are intended to improve the health and welfare of the livestock. Such operations must be carried out at the most appropriate age by qualified personnel and any suffering to the animals must be reduced to a minimum. Anaesthetic should be used where appropriate.
- Physical castration is allowed in order to maintain the quality of products and traditional production practices (meat-type pigs, bullocks, capons, etc) but only under the conditions set out above.
30. The living conditions and the management of the environment should take into account the specific behavioural needs of the livestock and provide for:
- sufficient free movement and opportunity to express normal patterns of behaviour;
 - company of other animals, particularly of like kind;
 - the prevention of abnormal behaviour, injury and disease;
 - arrangements to cover emergencies such as the outbreaks of fire, the breakdown of essential mechanical services and the disruption of supplies;
 - sufficient fresh air and natural daylight according to the needs of the livestock;
 - protection against excessive sunlight, temperature (e.g. use of evaporative cooling systems), rain and wind according to the needs of the livestock;
 - ample access to fresh water of good quality and to feed to maintain the full health and vigour of the livestock.
31. The transport of living stock should be managed in a calm and gentle way and in a manner which avoids injury and suffering. In transporting livestock, the use of electric stimulation or allopathic tranquilizers is not permitted.
32. The slaughter of livestock should be undertaken in a manner which minimizes stress and suffering, and in accordance with national rules.

[Housing and Free-Range Conditions]

33. Housing conditions should meet the biological and behavioural needs of the livestock by providing:
 - easy access to feeding and watering;
 - insulation, heating, cooling and ventilation of the building to ensure that air circulation, dust level, temperature, relative air humidity and gas concentration are kept within limits which are not harmful to the livestock;
 - plentiful natural ventilation and light to enter;
34. The stocking density in buildings should:
 - provide for the comfort and well being of the livestock having regard for the species, the breed and the age of the livestock;
 - take into account the behavioural needs of the livestock with respect to the size of the group and the sex of the livestock;
 - provide them with sufficient space to stand naturally, lie down easily, turn round, groom themselves, assume all natural postures and movements, such as stretching and wing flapping.
35. Housing, pens, equipment and utensils should be properly cleaned and disinfected to prevent cross infection and the build-up of disease carrying organisms.
36. Free-range, open-air exercise areas, or open-air runs should, if necessary, provide sufficient protection against rain, wind, sun and extreme temperatures, depending on the local weather conditions and the breed concerned.
37. The outdoor stocking density of livestock kept on pasture, grassland, or other natural or semi-natural habitats, must be low enough to prevent degradation of the soil and over grazing of vegetation.

Mammals

38. All mammals must have access to pasture or an open-air exercise area or run which may be partially covered, and they must be able to use those areas whenever the physiological condition of the animal, the weather conditions and the state of the ground permit.
39. The competent authority may grant exceptions for :
 - the access of bulls to pasture or, in case of cows to an open-air exercise area or run during the winter period;
 - the final fattening phase.
40. Livestock housing must have smooth, but not slippery floors. The floor must not be entirely of slatted or grid construction.
41. The housing must be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction. Ample dry bedding strewn with litter material must be provided in the rest area.
42. The housing of calves in individual boxes is not permitted. The tethering of livestock are not permitted without the approval of the competent authority.
43. Sows must be kept in groups, except in the last stages of pregnancy and during the suckling period. Piglets may not be kept on flat decks or in piglet cages. Exercise areas must permit dunging and rooting by the animals.

Poultry

44. Poultry must be reared in open-range conditions, have access to open-air run whenever the weather conditions permit and should not be kept in cages.
45. Water fowl must have access to a stream, pond or lake whenever the weather conditions permit.

46. Buildings for all poultry should provide:

- an area of solid construction;
- litter material such as straw, wood shavings, sand or turf;
- a sufficiently large part of the floor area must be available to laying hens for the collection of droppings;
- perches of a size and number commensurate with the size of the group and of the birds;
- exit/entry holes of an adequate size.

47. In the case of laying hens, natural light may be supplemented by artificial means to provide a maximum of 16 hours light per day with a continuous nocturnal rest period without artificial light of at least eight hours.

48. For health reasons, between each batch of poultry reared buildings should be emptied, and runs left empty to allow the vegetation to grow back..]

[Manure Management

49. Manure management practices used to maintain any area in which livestock are housed, penned or pastured should be implemented in a manner that:

- i) minimizes soil and water degradation;
- ii) does not significantly contribute to contamination of water by nitrates and pathogenic bacteria;
- iii) optimizes recycling of nutrients; and
- iv) does not include burning or any practice inconsistent with organic practices.

50. All manure storage and handling facilities, including composting facilities should be designed, constructed and operated to prevent contamination of ground and/or surface water.

51. Manure application rates should be at levels that do not contribute to ground and/or surface water contamination. The timing of application and application methods should not increase the potential for run-off into ponds, rivers and streams.]

Record Keeping and Identification

52. In addition to requirements for written accounts as set down in Annex 3 of these Guidelines, the operator should maintain detailed and up-to-date records of:

- i) breeding and/or origins of livestock;
- ii) the health plan to be used in the prevention and management of disease, injury and reproductive problems;
- iii) all treatments and medicines administered for any purpose, including quarantine periods;
- iv) feed provided and the source of the feedstuffs;
- v) stock movements within the unit;
- vi) transportation, slaughter and/or sales.

53. All livestock should be identified individually, or in the case of poultry and bees, by flock or hive, to enable tracking of livestock within the system at all times and to provide adequate traceback for audit purposes.

Species Specific Requirements

a) *Bees*

54. Hives for beekeeping should be placed in:

- i) areas where cultivated or spontaneous vegetation comply with the rules of production as set out in Section 4 of these guidelines, or
- ii) areas designated by the inspection/certification body and which meet the conditions for organic production.

55. Feeding of bee colonies where conditions require reserves to be built up for winter may be undertaken. Feeding must be carried out between the last honey harvest and the period of dormancy of the colony. Feeding should preferably include organic honey or organic sugar syrup.

- Where unavailable, or in cases of extreme climatic or other extenuating circumstances, feed not satisfying these guidelines may be used.

56. The health of bee colonies should be maintained by good agricultural practice. This includes:

- i) the use of hardy breeds that adapt well to the local conditions;
- ii) regular renewal of queen bees;
- iii) regular cleaning and disinfection of equipment;
- iv) destruction of contaminated materials;
- v) regular renewal of beeswax; and
- vi) availability in hives of sufficient pollen and honey.

**Consequential proposed amendments to:
ANNEX 3**

**MINIMUM INSPECTION REQUIREMENTS AND PRECAUTIONARY MEASURES UNDER THE
INSPECTION OR CERTIFICATION SYSTEM**

A. Production units

5. Each year, before the date indicated by the inspection body, the operator should notify the official or officially recognized inspection/certification body of its schedule of production of crop products **and livestock**, giving a breakdown by land parcel/**herd, flock or hive**.

11. Where an operator runs several production units in the same area (parallel cropping), units in the area producing crop, crop products, **livestock and livestock products** not covered by Section 1 should also be subject to the inspection arrangements as regards the dash points of paragraph 4 and paragraphs 6 and 7 above. Plants of indistinguishable varieties as those produced at the unit referred to in paragraph 3 above should not be produced at these units.

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

Section 4.2 List of Ingredients

4.2.2.1 The following class names may be used for the ingredients falling within these classes.

[Milk Protein/ Milk Protein Product] : Milk products containing a minimum of [30/35] % of milk protein (m/m) in dry matter*.

* Calculation of milk protein content : Kjeldahl nitrogen x 6.38

**PROPOSED DRAFT AMENDMENT TO THE GUIDELINES
ON NUTRITION LABELLING**
(At Step 5 of the Procedure)

3.2 Listing of Nutrients

3.2.1 Where nutrient declaration is applied, the declaration of the following should be mandatory:

3.2.1.1 Energy value; and

3.2.1.2 The amounts of protein, available carbohydrate (i.e., carbohydrate excluding dietary fibre), fat: **and where a nutrition claim is made for one or more of these nutrients, sugars, fibre, saturated fatty acids, and sodium.**

3.2.1.3 The amount of any other nutrient for which a nutrition claim is made; and

3.2.1.4 The amount of any other nutrient considered to be relevant for maintaining a good nutritional status, as required by national legislation.

3.2.2 Where a claim is made regarding the amount and/or the type of carbohydrate, ~~the amount of total sugars should be listed in addition to the requirements in Section 3.2.1~~ the amounts of starch and/or other carbohydrate constituent(s) may also be listed. ~~Where a claim is made regarding the dietary fibre content, the amount of dietary fibre should be declared.~~

3.2.3 Where a claim is made regarding the amount and/or type of fatty acids, the amounts of saturated fatty acids and of polyunsaturated fatty acids should be declared in accordance with Section 3.3.7.

3.2.4 In addition to the mandatory declaration under 3.2.1, 3.2.2 and 3.2.3, vitamins and minerals may be listed in accordance with the following criteria:

3.2.4.1 Only vitamins and minerals for which recommended intakes have been established and/or which are of nutritional importance in the country concerned should also be declared.

3.2.5 When nutrient declaration is applied, only those vitamins and minerals which are present in significant amounts should be listed.⁵

3.2.6 In the case where a product is subject to labelling requirements of a Codex standard, the provisions for nutrient declaration set out in that standard should take precedence over but not conflict with the provisions of Sections 3.2.1 to 3.2.5 of these guidelines.

⁵

As a rule, 5% of the recommended intake (of the population concerned) supplied by a serving as quantified on the label should be taken into consideration in deciding what constitutes a significant amount.

PROPOSED DRAFT RECOMMENDATIONS FOR THE USE OF HEALTH CLAIMS⁶
(At Step 3 of the Procedure)

Health claims [should/must] [be consistent with/not conflict with] national health policy [including nutrition policy] and support such policies. Only health claims that support national health policy should be allowed. Claims of the type described in Section 3.4 of the Codex General Guidelines on Claims are prohibited

Definitions

2.2 **Health claim** means any claim establishing a relation between a food or a constituent of that food and health,[whether it is good health or a condition related to health [or disease]].

or

Health claim means any claim which suggests that a food or a constituent of that food has an impact on health.

Two types of claims can be distinguished:

2.2.1 **Enhanced Function Claims** – These claims concern specific beneficial effects of the consumption of foods and their constituents on physiological, [or psychological] functions or biological activities but do not include nutrient function claims. Such claims relate to a positive contribution to health or to a condition linked to health or to the improvement of a function or to modifying or preserving health.

2.2.2 **Reduction of Disease Risk Claims** – Claims for reduction of disease risk related to the consumption of a food or food constituent in the context of the total daily diet that might help reduce the risk of a specific disease or condition.

Risk reduction means significantly altering a major risk factor or factors recognized to be involved in the development of a chronic disease or adverse health-related condition. Helping to reduce risk does not constitute “prevention” as is meant in Section 3.4 of the General Guidelines on Claims (CAC/GL 1-1997, Rev 1-1991).

7. Health Claims

7.1 Health claims should be permitted provided that the following conditions are met:

7.1.1 The claim must be truthful and not misleading.

7.1.2 The claim should be made in the context of the total diet.

7.1.3 The claim about a food or a food constituent should be valid in the context of normal consumption.

7.1.4 The health claims must be [consistent with/not in conflict with] the national public health policies, including, if need be, the nutritional policies, and must support such policies. Only the health claims that support national public health policies should be permitted.

⁶ This text will ultimately be incorporated into the Guidelines on Use of Nutrition Claims, in which it was initially included. The sections will be re-numbered appropriately before they are incorporated into the Guidelines.

7.1.5 The food should be a type of food which can reasonably be claimed to make a significant overall contribution to a healthy diet.

7.1.6 The following information should appear on the label or labelling of the food:

7.1.6.1 a statement of the quantity of any functional substance if appropriate;

7.1.6.2 information on the target group, if appropriate;

7.1.6.3 information on how to use the food to obtain the claimed benefit

7.1.6.4 advice to vulnerable groups on how to use the food, if appropriate

7.1.6.5 maximum safe intake of the food where necessary

7.2 Enhanced Function Claims should be permitted provided that the following additional conditions are met:

7.2.1 The claim is based on scientific substantiation satisfying the requirements of the competent authorities of the country where the product is sold.

7.2.2 The claim does not make reference to any pathology. [References to symptoms or to physiological conditions slightly disturbed can be admitted (for example: indigestion, irregularity)].

7.2.3 If the claimed effect is attributed to a substance in the food, the food in question should contain that substance in an amount appropriate to the claim.

7.2.4 The claim does not make reference to an effect on the prevention, treatment or the cure of a disease, nor does it evoke such an effect.

7.3 Reduction of Disease Risk Claims should be permitted provided that the following additional conditions are met:

7.3.1 The competent authority of the country where the product is sold has recognized that the relationship between the reduction of the risk of particular disease and the consumption of a specific food or foods or a specific constituent of a food is based on a [sufficient scientific consensus]. Failing such recognition, this relationship must be demonstrated on the basis of clear scientific evidence and in accordance with the requirements of the authorities of the country where the product is sold, in order not to mislead the consumer.

7.3.2 Where a claim is made for a constituent of a food, the food should be:

(i) a significant source of the constituent in the case where increased consumption is recommended; or,

(ii) "low" in or "free" of the constituent in the case where reduced consumption is recommended.

7.3.3 [The claim should not be made if the consumption of the food would result in the intake of a constituent in an amount that would increase the risk of a disease or health-related condition.]

7.3.4 The claim does not make reference to an effect on the treatment or the cure of a disease, nor does it evoke such an effect.