

IACFO

Founded 1997

International Association of
Consumer Food Organizations

食品國際消費者機構

Association Internationale
des Organisations de
Consommateurs de Produits
AlimentairesՍննդի Ապահովական Կազմակերպությունների
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**COMMENTS OF THE
INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS (IACFO)
TO THE CODEX FOOD LABELLING COMMITTEE (CCFL)**

REGARDING

**THE PROPOSED AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF
PREPACKAGED FOODS: QUANTITATIVE INGREDIENT DECLARATIONS (QUID)
(ALINORM 06/29/22 - Appendix VI)**

(At Step 3)

The International Association of Consumer Food Organizations (IACFO) urges the Codex Committee on Food Labelling (CCFL) to revise the current standard for quantitative ingredient declarations (QUID) to support and encourage efforts by national authorities to provide consumers with information they need to improve their diets and protect their health as well as to protect consumers from deception and ensure fair trade practices.

Such action is particularly appropriate in light of recommendations of the World Health Organization's (WHO) and Food and Agriculture Organization's (FAO) "Draft Action Plan for Implementation of the Global Strategy on Diet, Physical Activity and Health" (hereinafter, WHO/FAO Action Plan), CX 2/7.2, CL 2006/44 CAC. The WHO/FAO Action Plan specifically calls on the CCFL to remove the square brackets and advance section 5.1.1 (e) of the proposed amendment which requires QUID for any ingredient that "is the subject of an express or implied claim about the presence of fruits, vegetables, whole grains or added sugars." We further urge that the square brackets around sections 5.1.1 (c), (d) be removed and that each of these sections be retained in the final version of the amendment.

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■ International Baby Food Action Network (IBFAN), Cambridge, UK ■ Zambia Consumers Association, Kitwe, Zambia ■

I. Sections 5.1.1 (d) and (e) - Health Factors

Section 5.1.1 (d) would require QUID for any ingredient, “[the disclosure of which is deemed by national authorities, to be necessary to enhance the health of consumers or prevent consumer deception].”

Section 5.1.1 (e) would require QUID for any ingredient that “[is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars.]” These sections of the proposed amendment provide key health information to consumers regarding the very ingredients that expert authorities consider essential to a healthy diet.

The WHO/FAO Action Plan specifically calls on the CCFL to remove the square brackets and retain section 5.1.1 (e) of the proposed amendment. The WHO/FAO Action Plan states:

Consumers regard fruit, vegetables and whole grains as ‘healthy foods’ and manufacturers capitalize on these views. Claims for the presence of these foods as ingredients abound. Disclosure of the amounts of fruits, vegetables, legumes, whole grains and nuts in multi-ingredient foods would enable consumers to compare the amounts of these nutritionally desirable ingredients in foods and make their selections accordingly. This has the potential to increase consumption of fruit and vegetables both through consumer choice and through manufacturers increasing the amounts of fruit and vegetables in their products for competitive purposes.¹

As a subsidiary body of the WHO and FAO, the CCFL is obligated to heed this call and require QUID for the food ingredients that the WHO/FAO Action Plan has identified.² IACFO thus supports retaining and advancing sections 5.1.1 (e) of the proposed amendment which

¹ CL 2006/44-CAC, Appendix, *Draft Action Plan for the Implementation of the Global Strategy on Diet, Physical Activity, and Health*, Prepared by WHO and FAO, September 2006, paragraph 31-33.

² The WHO/FAO Action Plan is rooted in the *Report of the Joint WHO/FAO Expert Consultation on Diet, Nutrition, and the Prevention of Chronic Diseases* (hereinafter, *Technical Report 916*), published in April 2003, which recognizes that diet-related diseases are now responsible for a huge and growing burden of disability and premature death in both developing and developed countries. Most importantly, *Technical Report 916* specified several foods that are commonly used as ingredients in processed food products for which there is convincing or probable evidence of a causative or protective effect on risks for chronic diseases. The food ingredients identified by *Technical Report 916*, include:

Protective Effects: fruits, vegetables, whole grain cereals, non-starch polysaccharides (from whole grains, fruits and vegetables), legumes, fish, fish oils, unsalted nuts (in moderation); water (as an indicator of energy density) and

Causative Effects: free sugars, preserved and red meat, salt preserved foods; salt (as distinct from sodium), hydrogenated oils, Chinese-style salted fish.

requires the percentage disclosure of key health-related ingredients such as fruits, vegetables, whole grains, and added sugars, when a claim is made about such ingredients. Plainly, the WHO/FAO Action Plan implies that legumes and nuts should be added to this subsection. We further suggest that the Committee view section 5.1.1 (d), which permits national authorities to require QUID for ingredients that may affect the health of consumers, as an adjunct to section 5.1.1 (e). Section 5.1.1.1 (d) will give national authorities the flexibility to amend requirements for QUID when needed to address specific dietary problems, and thus facilitates the spirit of the recommendations in the WHO/FAO Action Plan regarding the retention and advancement of section 5.1.1 (e). Accordingly, the square brackets from both sections should be removed and both sections 5.1.1 (d) and (e) should be advanced.

II. Section 5.1.1 (c) - Preventing Consumer Deception

IACFO believes that manufacturers should be obliged to provide QUID whenever there is a foreseeable likelihood that consumers will be deceived about ingredient composition as a result of marketing claims or consumer expectations about ingredient composition.

The current EU QUID standard seeks to accomplish this objective by requiring that, even where no marketing claims are made, QUID must be disclosed when consumer expectations regarding ingredient composition are evident. At a minimum, IACFO believes this approach must be reflected in the revised Codex standard by retaining and advancing section 5.1.1 (c) of the proposed draft amendment. We urge that the square brackets around this section be deleted and that the section be worded as follows: QUID should be required for any ingredient that:

“appears in the name of the food unless deemed inappropriate by national authorities, or;”

Section 5.1.1 (c) of the proposed amendment is key to protecting consumers. Without this section, foods like “salmon mousse,” “crab cakes,” and “sausage pizza” would escape QUID requirements. Section 5.1.1 (c) must be retained so that national authorities can be authorized to require the actual amount of salmon, crab, and sausage in these products to be disclosed.³

Some delegations, like the United States,⁴ argue that QUID should not be required for ingredients that appear in the name of a food because such ingredients are neither characterizing ingredients nor emphasized. This argument is disingenuous. By placing the name of an ingredient in a food, the manufacturer is conveying the impression that the product contains the ingredient. Thus, it is imperative that the quantity of ingredients that appear in the name of a

³The wording of draft section 5.1.1 (c) would permit national authorities to exempt particular ingredients that appear in the names of certain foods if they determined, for example, that QUID was unnecessary because consumers customarily assumed that a product name bore no relationship to the content of the product, e.g. there is no dairy-based butter in “Peanut Butter.”

⁴ U.S. Food and Drug Administration regulations require the percentage disclosure of any ingredient that has a “material bearing on the price or consumer acceptance” of the food, 21 C.F.R. Part 102.5(b).

food be disclosed. Accordingly, the square brackets around section 5.1.1 (c) should be removed and the section should be worded as suggested here.

III. Responses to Criticisms of the Proposed Draft Amendment

In previous sessions of the CCFL, several unsubstantiated arguments were raised against expanding the Codex QUID standard. These arguments were put forth almost exclusively by national authorities with little or no experience implementing QUID, and by food industry INGOs whose member companies already routinely comply with existing QUID laws in the European Union, Australia, New Zealand, and Thailand (and, in so doing, routinely overcome the barriers they continue to depict as insurmountable).

- **Relevance of QUID to mandatory nutrition labeling**

The fact that other existing Codex food labelling standards permit national authorities to require nutrition information is not relevant to the QUID proposal. For example, even in countries where full nutrition labelling is required, QUID is important because the amount of healthful *ingredients* cannot be determined by reading the nutrition information panel alone. For example, nutrition labelling does not permit consumers to compare the whole grain content of various breads or crackers, the amount of vegetables in two different brands of vegetarian lasagna, the amount of dried fruit in so-called “fruit bars,” or the amount of added sugars in apple sauce.

This limitation of nutrition labelling is obvious in light of the WHO/FAO Action Plan which recommends QUID *in addition to* mandatory nutrition labelling of foods.⁵ Plainly, continuing to depict nutrition labelling and QUID as redundant would reflect a failure to acknowledge the broad scientific consensus reflected by the recommendations in the WHO/FAO Action Plan for the CCFL.

- **QUID for foods subject to identity standards**

Some argue that QUID is unnecessary for food subject to a specific identity standard. While identity standards ensure that a minimum amount of a key ingredient is present in a standardized product, they neither ensure that consumers are informed about the actual amount of the key ingredient in that product, nor that other standardized products may contain more or less of the key ingredient.

For example, a standard for frozen fish sticks may mandate that the product contain at least 50% fish. Yet that fact is not disclosed anywhere on the label in countries that do not require QUID. Therefore, a consumer has no way of knowing that a product that is labeled as “fish sticks” may consist of only 50% fish. Nor would consumers necessarily know that some brands of fish sticks on the market may contain significantly more fish (e.g. 80%) than the product meeting the minimum standard. Thus, while identity standards provide a modicum of protection, they do not replace the need for QUID.

⁵ WHO/FAO Action plan, *supra*, note 1, at paragraph 17.

- **Intellectual property (IP) rights**

QUID information is now routinely provided on labels in more than 20 countries. QUID does not disclose production methods or manufacturing processes. Nor does QUID, as proposed, require disclosure of spices or seasonings that might be present in small amounts, the disclosure of which may reveal proprietary recipes in some cases. Thus, the argument that QUID would force manufacturers to reveal trade secrets is specious.

- **Costs of providing QUID**

There is no evidence to indicate that providing QUID would pose a perceptible economic burden on industry or consumers. Little, if any, analytical work is necessary to determine appropriate QUID because such information is already possessed by the manufacturer.

Rather than the direct costs of QUID, which are most certainly low, manufacturers are more likely concerned about the impact that QUID may have in the marketplace. Providing QUID would stimulate product competition on the basis of both nutrition and quality. Consumers could be expected to switch brands or demand that products are made with, for instance, more vegetables or chicken and less refined flour or added sugar (also known as “free sugars” or “extrinsic sugars”) if they have access to QUID. But costs associated with meeting market demands created by providing consumers with an informed choice should not be cited as a barrier to policy change.

Furthermore, a Codex standard for QUID would help bring consistency to requirements already in force at the national level in more than 20 countries and therefore may actually lower costs by eliminating the need for manufacturers to comply with different QUID requirements in different parts of the world.

- **Impact on developing countries**

The need to retain sections 5.1.1(c), (d), and (e) is especially important given the growing burden of diet-related diseases in developing countries. The WHO has recognized that developing countries are simultaneously challenged by public health threats associated with, on one hand, under-nourishment, water and food-borne pathogens and toxins, as well as non-communicable diseases caused by obesity and, on the other hand, the combined effect of excessive intake of health eroding foods (such as added sugars) and deficient intake of health promoting foods (such as fruits, vegetables, and whole grains). Thus, it is in the interest of developing countries to expand the Codex standard for QUID because, relatively speaking, they are less financially prepared to bear the economic consequences of diet-related disease.

IV. Conclusion

Expanding requirements for QUID would assist in health promotion efforts recommended by the WHO/FAO Action Plan for the CCFL. In response, CCFL should amend the existing Codex standard by retaining sections 5.1.1 (d) and (e) of the proposed draft amendment. In addition, to protect consumers from being deceived, the square brackets around section 5.1.1 (c) should be removed and the section should be advanced.