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Internationaler Verband der Nahrungsmittel Organisationen fuer Verbraucher	Associazione Internazionale delle Organizzazioni degli Alimentari per il Consumatore	食品國際消費者機構

COMMENTS OF THE

INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS (IACFO)

Proposed Draft Code of Ethics for International Trade in Food

CL 2004/57-GP

CODEX COMMITTEE ON GENERAL PRINCIPLES – 22nd SESSION

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A. Introduction

The International Association of Consumer Food Organizations (IACFO) urges the Codex Committee on General Principles (CCGP) to continue work on revising the Code of Ethics for International Trade in Food (hereinafter the “Code”) to incorporate provisions relating to the World Health Organization’s (WHO) Global Strategy on Diet, Physical Activity, and Health.

B. Response to the Questions Posed by the Commission

The following statements respond to the specific questions posed by the Commission, and listed in the circular letter:

- IACFO believes there is a clear need for a Code of Ethics for International Trade in Food. The Code can address matters not presently addressed by existing Codex texts and provide an important core statement regarding Codex’s overall mission to protect the health of consumers and prohibit unfair trade practices.

- The primary problems that should be addressed by the Code extend beyond the issue of food safety. They include nutrition and unfair food marketing practices.

- The Code should address a multitude of problems concerning consumer health and fair trade practices, including food safety, nutrition, and unfair or deceptive marketing practices that detrimentally affect consumer welfare.

- Codex texts developed since the last revision of the Code in 1985 do not adequately

address all the issues that should be covered by the Code. For example, Codex texts developed by the Committee on Food Import and Export Inspection and Certification Systems have been drafted primarily to facilitate the international food trade, not to improve consumer welfare.

- Texts developed by other multilateral bodies (e.g. FAO, WHO, WTO) do not supplant the need for the revision of the Codex Code of Ethics for International Trade in Food. In fact, some texts developed by the WHO specifically refer to expanding the Codex Code of Ethics in order to facilitate the work of that international agency.

- The Code should specifically be revised to address nutritional concerns as raised in the WHO's Global Strategy on Diet, Physical Activity, and Health (hereinafter "Global Strategy").

C. CCGP should revise the Code of Ethics for International Trade in Food to address problems related to nutrition and unfair marketing practices, as set out in the WHO's Global Strategy on Diet, Physical Activity, and Health.

The WHO has called upon Codex to help implement the WHO's Global Strategy and CCGP should respond by revising the Code to address problems identified by the WHO in the area of nutrition and unfair marketing practices.

The question of whether the Code should be updated and revised extends beyond the current controversy over whether existing Codex texts regarding food safety supplant the need for the Code. Last year, the World Health Assembly (WHA) approved the WHO's Global Strategy on Diet, Physical Activity, and Health. The Global Strategy, which specifically references the work of the Codex Alimentarius Commission and its committees, details the enormous toll that diet-related disease takes in both developing and developed countries.

The Global Strategy is informed, in part, by the *Report of the Joint WHO/FAO Expert Consultation on Diet, Nutrition, and the Prevention of Chronic Diseases*.¹ That report states:

During the past decade, rapid expansion in a number of relevant scientific fields...has helped to clarify the role of diet in preventing and controlling morbidity and premature mortality resulting from noncommunicable diseases (NCDs)...The Consultation provided an opportune moment for FAO and WHO to draw on the latest scientific evidence available and to update recommendations for action to governments, international agencies and concerned partners in the public and private sectors. The overall aim of these recommendations is to implement more effective and sustainable policies and strategies to deal with the increasing public health challenges related to diet and health.

Section 4 of the World Health Assembly Resolution (WHA57.17) endorsing the Global Strategy specifically calls on Codex to help advance its objectives. It states:

[The WHA] requests the Codex Alimentarius Commission to continue to give full consideration, within the framework of its operational mandate, to evidence-based

¹ WHO Technical Report 916, April 2003 at pp.1-2.

action it might take to improve the health standards of food consistent with the aims and objectives of the strategy.

Paragraph 59 of the Global Strategy states:

International Standards. Public health efforts may be strengthened by the use of international standards, particular those drawn up by the Codex Alimentarius Commission [citing WHA resolution 56.23]. Areas for further development could include: labeling to allow consumers to be better informed about the benefits and content of foods; *measures to minimize the impact of marketing on unhealthy dietary patterns* [*emphasis added*]; fuller information about health consumption patterns, including steps to increase the consumption of fruits and vegetables; and production and processing standards regarding the nutritional quality and safety or products. *Involvement of governments and nongovernmental organizations as provided for in the Codex should be encouraged* [*emphasis added*].

As a subsidiary body of the WHO, both the Codex Alimentarius Commission and the CCGP are obligated to heed these calls and help facilitate the policy goals of the World Health Assembly and the WHO.

According to the Report of the 55th Session of the Executive Committee of the Codex Alimentarius Commission, the WHO representative stated that a report on the implementation of the Global Strategy by Codex had been prepared by a consultant to assist in the discussion within WHO, and was currently under consideration, although it had not been formally adopted as WHO policy.² The consultant's report is entitled "Codex Alimentarius vis a vis The WHO Global Strategy on Diet, Physical Activity and Health – Food standardization to support the reduction of chronic diseases (food and diet for a healthy long life)."³ The consultant's report specifically addresses the role that revisions in the Code of Ethics for International Trade in Food could play in advancing the objectives of the WHO and the World Health Assembly. It states:

The Code of Ethics for International Trade in Food was accepted in 1979 and amended in 1985 by the Codex Alimentarius Commission. Under the heading 5.10 of this Code which is named Nutritional aspects concerning in particular vulnerable groups and regions where malnutrition exists, the following lines include: (a) *No claims in any form should be made about food – particularly processed food – with minimal nutritive value which implies that the food can make valuable (significant) contributions to the diet.* (b) *Information concerning the nutritional value should not mislead the public* (*emphasis in the original*).⁴

² Alinorm 05/28/3, Report of the 55th Session of the Executive Committee of the Codex Alimentarius Commission, 9-11 February 2005, paragraphs 84 to 90.

³ Rob Topp, *Codex Alimentarius vis a vis The WHO Global Strategy on Diet, Physical Activity and Health – Food standardization to support the reduction of chronic diseases (food and diet for a healthy long life)*, prepared under contract for the World Health Organization, May 2004.

⁴ *Ibid*, page nine, paragraph 21.

Considering that the Code of Ethics for the International Trade in Food already addresses claims about the nutritional value of processed foods, and information provided the consumer about the nutritional value of foods, CCGP should revise the Code to cover new aspects of these and related matters as recommended in the WHO consultant's report.

D. CCGP should coordinate efforts by other Codex Committees to implement the WHO Global Strategy.

The consultant's report also makes specific recommendations regarding how other Codex committees could develop new standards, or revise existing ones, in order to promote the objectives of the WHO's Global Strategy. The consultant's report specifically recommends that Codex should develop:

- a Code of Practice for the presentation of foods targeted at children up to 12 years of age;⁵
- a Code of Practice for Good Nutrition Practice in the Retail Sector;⁶
- a Code of Practice for Good Nutrition Practice in Catering;
- a Code of Practice for the Promotion of Food in Schools.⁷

While the WHO consultant's report ideally recommends that these Codes be developed by a new Codex Task Force for Nutrition and Good Nutrition Practices, the report notes that these efforts could be undertaken by existing Codex committees. CCGP should serve as the coordinating committee for this work. CCGP is ideally situated to coordinate such work by other Codex Committees, such as the Codex Committee on Food Labeling, Codex Committee on Nutrition and Foods for Special Dietary Use, and various Codex Commodity Committees, to develop new standards or revise existing ones so as to facilitate implementation of the WHO's Global Strategy. CCGP should ask the Commission to request that all relevant Codex committees prepare discussion papers, prior to their next annual meeting, on how the priorities of their committees could be redirected to advance the goals of the WHO's Global Strategy.

E. Conclusion

In sum, CCGP's long history of drafting and revising the Code of Ethics for the International Trade in Food places it in an ideal position to commence new work consistent with the call to action in the WHO's Global Strategy on Diet, Physical Activity, and Health. The

⁵ The relevant provision of the Global Strategy states in section 46(3): Food advertising affects food choices and influences dietary habits. Food and beverage advertisements should not exploit children's inexperience or credulity. Messages that encourage unhealthy dietary practices or physical inactivity should be discouraged, and positive, healthy messages encouraged. Governments should work with consumer groups and the private sector (including advertising) to develop appropriate multisectoral approaches to deal with the marketing of food to children, and to deal with such issues as sponsorship, promotion and advertising. WHO Global Strategy on Diet, Physical Activity, and Health, Fifty-Seventh World Health Assembly WHA57.17, Agenda item 12.6, May 22, 2004 at p. 13.

⁶ In countries that permit such marketing practices, a Code of Good Nutrition Practices for the Retail Sector could include standards for specific promotional activities such as the free distribution to children of foods of low nutritional value.

⁷ Ibid, paragraphs 43 to 45. Such standards should delineate nutrition criteria that can be applied by national authorities in setting limits on food promotion to children in the school environment.

Code should be updated and expanded to comprehensively cover such matters. In addition, CCGP should serve as the coordinator of complimentary work undertaken by other Codex Committees, as recommended in the WHO's consultant's report, to help that agency and national authorities implement the Global Strategy on Diet, Physical Activity, and Health as it pertains to protecting the health of consumers and prevent unfair practices within the food trade.