



International Association of
Consumer Food Organizations
(IACFO)

Association Internationale des
Organisations de Consommateurs
De Produits Alimentaires

Asociación Internacional de
Organizaciones de Alimentos
para el Consumidor

Internationaler Verband der
Nahrungsmittel Organisationen
für Verbraucher

Associazione Internazionale delle
Organizzazioni degli Alimentari
per il Consumatore

食品國際消費者機構

Agenda Item # 2 (b)

CX/FL 06/34/2-Add.1

**COMMENTS OF THE
INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS (IACFO)
TO THE CODEX FOOD LABELLING COMMITTEE (CCFL)**

REGARDING

**THE IMPLEMENTATION OF THE GLOBAL STRATEGY ON DIET, PHYSICAL ACTIVITY
AND HEALTH - DISCUSSION PAPER**

The International Association of Consumer Food Organizations (IACFO) is pleased to submit comments on the discussion paper prepared by the World Health Organization (WHO) in cooperation with the U.N. Food and Agriculture Organization. The discussion paper analyzes the role that Codex can play in helping implement the Global Strategy.

Our comments have been submitted to the special e-forum created by WHO for this purpose and our attached here. The role that the Codex Committee on Food Labeling should play specifically is discussed in the attached comment on pages 2. to 6.

Attachment

E- FORUM ON THE IMPLEMENTATION OF THE GLOBAL STRATEGY ON DIET, PHYSICAL ACTIVITY, AND HEALTH

* * *

COMMENTS OF THE INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS

March 30, 2006

The International Association of Consumer Food Organizations is pleased to submit the following comments on how the Codex Alimentarius Commission and its committees could support the promotion of healthy dietary habits within the Codex mandate and, in turn, assist the implementation of the *Global Strategy on Diet, Physical Activity, and Health*.¹

Question 1: Does the Codex Alimentarius Commission have a role in the implementation of the *Global Strategy*?

The WHO *Global Strategy* provides national authorities with a comprehensive approach to combat the rapid increase in noncommunicable diseases related to diet and health. The resolution endorsing the *Global Strategy* specifically calls on Codex to play a major role in advancing those objectives.

Section 4 of the World Health Assembly Resolution (WHA57.17) endorsing the *Global Strategy* states:

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

¹ WHA 57.17, *Global Strategy on Diet, Physical Activity and Health*, 57th World Health Assembly, 22 May 2004.

or products. Involvement of governments and nongovernmental organizations as provided for in the Codex should be encouraged.

Codex therefore has a vital role to play. The steps recommended below are fully consistent with Codex's mission to protect the health of consumers and ensure fair practices within the food trade.²

a. If yes, please describe what that role should be. Please include in your consideration the topic areas that are relevant. Are the following areas relevant?

(i) Food composition

Yes, this area is relevant. Codex should amend commodity standards to improve the nutritional content of standardized foods by setting maximum limits on fat and salt content and by allowing the use of non-nutritive sweeteners as a substitute for sugars.

➤ **Commodity standards should be reviewed**

Codex commodity committees should be directed to review all current standards within their terms of reference and create a list of standards proposed for amendment. Reductions in unhealthful levels of fat, salt and added sugars should be ascertained. Revised commodity standards should be submitted to the Commission for approval using the accelerated process.

(ii) Provision of nutrition and health information about foods to facilitate informed choice by consumers

Yes, this area is relevant. Food labeling can play a significant role by enabling consumers to choose healthier foods and improve their health. The Codex Committee on Food Labeling (CCFL) can make an important contribution to this area. The *Global Strategy* itself makes reference to the work of the Codex Alimentarius Commission in paragraph 46(4) referring to Codex labeling standards and guidelines.

➤ **Nutrition labeling should be mandatory**

The Commission should instruct the CCFL to commence work on a revised standard for mandatory nutrition labeling of all processed foods. Such labeling should be required whether or not the manufacturer makes a nutrition claim. In addition, the revised standard should mandate that the nutrition label include disclosures for all nutrients considered by national authorities to be of public health significance. Such disclosures should be made on the basis of a customary serving of the food, and should include an optimal recommended daily consumption level so that the consumer can easily determine whether a portion of the food contains desirable or undesirable levels of each nutrient. Lastly, the revised standard should specify that nutrition information be disclosed in an easy to read format.

² See, statutes of the Codex Alimentarius Commission, Article 1, paragraph (a).

➤ **Quantitative ingredient labeling should become mandatory**

CCFL should also be instructed to expedite work on a revised standard for mandatory quantitative ingredient declaration (QUID). A revised standard for QUID is presently at Step 3. The value of QUID is clear:

- QUID helps consumers make healthier food choices by informing them of the percentage of healthful or unhealthful ingredients that a food contains. For example, QUID may reveal that one breakfast cereal contains 30% fruit while another only contains 6% fruit. Such requirements are necessary to address policy recommendations regarding food labeling made by the World Health Organization in its *Global Strategy on Diet, Physical Activity, and Health*.
- QUID facilitates product comparisons on the basis of quality by informing consumers which product contains the greatest amount of desirable ingredients. For example, QUID labels inform consumers that one type of canned tomatoes contains 70% tomatoes, while another type contains only 60%.
- QUID helps remedy deceptive claims on food labels that imply that a food contains significant amounts of desirable ingredients. For example, pictures on the front label of a snack product may highlight the product's yogurt content, but QUID informs consumers that the product only contains 1.5% yogurt.
- QUID encourages the development of healthier food products. Studies show that requiring food companies to disclose product information enhances competition and provides incentives for companies to produce better products.

➤ ***Health Claims in food advertising and marketing should be regulated***

CCFL should complement its *Guidelines for the Use of Nutrition and Health Claims* for food labels by applying such guidelines to health claims in food advertising. In order for national authorities to responsibly oversee the use of health (and nutrition) claims, they must consistently regulate such claims in both labeling and advertising. Rules governing label claims can be completely undermined by lax or non-existent rules that apply to claims in advertising. Codex's *Guidelines for the Use of Nutrition and Health Claims* must reflect this reality.

For the purposes of elaborating the *Guidelines for the Use of Nutrition and Health Claims*, the prohibition on, for example, unsubstantiated health claims should apply equally to labels and advertisements. Achieving this result requires that advertising claims be covered by the *Guidelines*. In other situations, there may be a need to review the *Guidelines* to determine whether any additional work is necessary for applying them to advertisements. For instance, it may not be practicable to require that a 15 second radio advertisement making a nutrient content claim disclose the amounts of all other nutrients listed on the nutrition label. There should be no health (or nutrition) claims on infant or baby foods, or foods for pregnant or nursing women.

Nutrient content information on such products, when provided, should be disclosed in a more balanced manner.

➤ ***Food marketing and promotion to children***

The *Global Strategy on Diet, Physical Activity, and Health* recommends that the enormous toll of diet-related disease be addressed, in part, by setting standards for food advertising, particularly advertising directed at children. The relevant provision, section 46(3) states:

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.³

Section 46(4) of the *Global Strategy* specifically refers to the past work of the CCFL. As a subsidiary body of the WHO, both the Codex Alimentarius Commission and the CCFL are obligated to heed these calls and help facilitate the policy goals of the World Health Assembly and the WHO.

CCFL should specifically respond to this request for action by asking the Executive Committee and the Commission to approve new work on setting standards for advertising directed at children. Such standards should permit bans on children's advertising, where national authorities have determined that such steps further the public's health and/or prevent unfair trade practices. In regions where advertising to children is permitted, Codex standards should delineate which foods can be responsibly promoted to children. Such standards should delineate nutrition criteria that can be applied by national authorities in setting limits on food advertising to children.

In addition, for countries that permit advertising, CCFL should develop a Code of Good Nutrition Practices for the Promotion of Foods to Children. The Code could include standards for the use of entertainment, sports, or media celebrities to promote foods to children, for the promotion of foods in schools, and for specific promotional activities such as the free distribution to children of foods of low nutritional value. Such work by CCFL is essential to responding to the WHO's call for action.

There is no question that CCFL has the authority to undertake such measures. The government of Canada has provided a very informative discussion paper analyzing the CCFL's authority to work on food advertising issues. According to the paper, a 1984 report by the FAO/WHO joint legal counsel left no doubt that advertising is "ancillary to the protection of

³ 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.

health of consumers and to promoting the observance of fair practices in the food trade,” and thus falls within the mandate of the Codex Alimentarius Commission and is properly delegated to the CCFL. Consistent with that view, the Commission formally considered the subject of food advertising in at least five sessions and directed the CCFL to work on the subject on at least three occasions. Also, since its inception, the Commission has approved five official general standards that include provisions referring to advertising or marketing practices, three of which were elaborated primarily by CCFL. Furthermore, the CCFL has explicitly considered the subject of advertising in at least nine of the previous 32 sessions of the Committee.

Question 2: Are the following issues pertinent to Codex Committees’ activities related to the implementation of the *Global Strategy*?

a. Scientific advice about the nature of the evidence needed to support the use of health claims?

The CCFL has already established guidelines for health claims on food labels. The Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) could elaborate further on this standard, but we do not see health claims as a significant mechanism for implementing the *Global Strategy*.

b. Scientific advice concerning consumer use and understanding of labeling and/or labeling approaches and formats?

This area is best performed by national authorities. Consumer understanding of labeling formats differs throughout the world based on language, culture, traditions, and level of economic development.

c. Are there other areas where scientific advice would be pertinent?

(i) Authoritative statements about the attributes of a diet in reducing risk of a diet-related disease, especially what impacts there would be on the health of consumers if the amount of energy/nutrients is increased or decreased.

Authoritative statements are a form of health claims and are already covered by the Codex *Guidelines on Health and Nutrition Claims*. No new work is needed here, other than for CCFL to expand the *Guidelines* to cover health claims in advertising.

(ii) Risk assessments for nutrients and related substances in relation to the *Global Strategy*

IACFO does not believe it is necessary to perform risk assessments for the nutrients and related substances mentioned in the *Global Strategy*. The *Global Strategy* is informed, in part, by *Report of the Joint WHO/FAO Expert Consultation on Diet, Nutrition, and the Prevention of Chronic Diseases*.⁴ That report states:

⁴WHO *Technical Report 916*, April 2003 at pp.1-2.

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.

The report of the Joint WHO/FAO Expert Consultation has “drawn on the latest scientific evidence” and has taken such considerations into account. Thus as a general matter, no new risk assessments are needed.

Question 3: Given the importance of nutrition issues in general to the *Global Strategy* and the cross-cutting nature of nutrition as a topic that cuts across the Codex system, what process could be used to manage and coordinate nutrition issues throughout the Codex system?

a. Please respond within the context of the Terms of Reference of the Codex Committee on Nutrition and Foods for Special Dietary Uses and the Codex Committee on Food Labeling.

The Commission should establish a new ad hoc task force jointly chaired by the CCNFSU and the CCFL. The terms of reference for such a new task force would be:

- to draft standards concerning the nutritional aspects of foods or to delegate such work to the appropriate Codex committee;
- to amend provisions of current Codex standards, recommendations, and guidelines relating to the nutritional aspects of foods, or to delegate such work to the relevant Codex committee;
- to draft codes of practices related to the promotion and marketing of food.⁵

b. What role can Codex Committees play in the overall management of nutrition issues within the Codex Alimentarius Commission?

IACFO believes the Codex Committee on General Principles (CCGP) can also play an important role in the overall management of nutrition issues within Codex. One mechanism for doing so would be to revise 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*.

⁵ Report at page 13.

IACFO believes there is a clear need for a Code. 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. Texts developed by other multilateral bodies (e.g. FAO, WHO, WTO) do not supplant the need for the revision of the Codex Code. In fact, some texts developed by the WHO specifically refer to expanding the Codex Code in order to facilitate the work of that international agency.

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.⁶ 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)."⁷ The consultant's report specifically addresses the role that revisions in the Code 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).*⁸

Considering that the Code 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. Such matters should include guidelines for other Codex committees that are designed to ensure that health considerations consistent with Codex's mandate take presence over any trade related issues.

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*. In addition to recommending that the CCFL develop standards limiting food advertising to children, the consultant's report recommends that Codex

⁶ 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.

⁷ 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.

⁸ *Ibid*, page nine, paragraph 21.

should develop:

- a Code of Practice for Good Nutrition Practice in the Retail Sector;
- a Code of Practice for Good Nutrition Practice in Catering;
- a Code of Practice for the Promotion of Food in Schools.⁹

These Codes should be developed by CCGP with input from the CCFL and the CCNFSDU. For example the Code of Good Nutrition Practices for the catering (restaurant) sector should address such matters as the use of fats low in *trans* fatty acids and saturated fats for frying purposes and the offering of healthy alternatives, such as salads, unsweetened soft drinks, fruit juices, and mineral water. In some countries, more than 1/3 of the calories consumed by a typical person come from foods eaten outside the home. Thus, it is essential that Codex develop codes of practice for the promotion of such foods, as well as foods sold in markets or grocery stores.

The code for the promotion of foods in schools should cover conflict of interest problems caused by food companies who want to publish educational materials for use in schools. Such materials could present biased information geared to promote the company's products. 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.

Conclusion

The International Association of Consumer Food Organizations appreciates this opportunity to submit comments on how the Codex Alimentarius Commission can assist the World Health Organization with the implementation of WHO's *Global Strategy on Diet, Physical Activity and Health*. By amending current standards, and devising new ones, Codex can play a key role in this area. We look forward to working with Codex and its relevant committees to reach this objective.

⁹ *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.