



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
fuer Verbraucher

Associazione Internazionale delle
Organizzazioni degli Alimentari
per il Consumatore

食品國際消費者機構

Agenda Item # 6

CX/FL 06/34/8

**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 05/28/22 – Appendix II, CL 2005/48-FL)**

(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) not only to protect consumers from deception and ensure fair trade practices, but also to support and encourage efforts by national authorities to provide consumers with information they need to improve their diets and protect their health. Such action is particularly appropriate in light of recommendations of the World Health Organization's (WHO) "Global Strategy on Diet, Physical Activity and Health (hereinafter, the *Global Strategy*)"

To accomplish these objectives, we urge that the square brackets around sections 5.1.1 (c), (d) and (e) be removed and that these sections be retained in the final version of the amendment.

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.]"

Taken together, these two sections of the proposed amendment would provide key health

IACFO Coordinating Office: 1875 Connecticut Avenue, N.W., Suite 300, Washington, DC 20009 USA ■ Phone: 1.202.332.9110.337 ■ Fax: 1.202.265.4954 ■

Members: Center for Science in the Public Interest (CSPI), Washington, DC and Ottawa, Canada ■ The Japan Offspring Fund, Tokyo, Japan ■

■ The Food Commission, London, UK ■ Center for Social Responsibility, Singapore ■ Union for the Protection of Consumers' Rights, Armenia ■

■ Lingue pour la Défense du Consommateur au Bénin ■ Pro Teste, Brazil ■ Voluntary Organization in Interest of Consumer Education (VOICE), New Delhi, India ■

■ Consumers Association of Penang, Penang, Malaysia ■ Consumer Education Trust (CONSENT), Kampala, Uganda ■

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

information to consumers regarding the very ingredients that expert authorities consider essential to a healthy diet.

The case for expanding QUID, as provided for in sections 5.1.1 (d) and (e) is even stronger today than it was when this Committee first undertook new work in this area in 2001. 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 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.

A full list of references concerning the ingredients listed in *Technical Report 916* is provided in the attached appendix.

Since the publication of *Technical Report 916*, international recognition of the urgent need to pursue public health reforms to improve diet and health has become manifestly clear. In May, 2004, colleagues of most (if not all) CCFL members who are national delegates to the United Nations World Health Assembly approved the WHO's *Global Strategy on Diet, Physical Activity, and Health*. The WHO's *Global Strategy* presents a blueprint for reducing the incidence of cardiovascular disease, certain types of cancer, diabetes, osteoporosis, obesity and other diet-related diseases through various public policy initiatives. In reviewing public policy reforms for achieving public health gains, the *Global Strategy* recognizes the importance of food labels. In particular, article 46(4) of the *Global Strategy* states, in part:

Consumers require accurate, standardized and comprehensible information on *the content* of food items in order to make healthy choices. [emphasis added]

The WHO has specifically called upon Codex to help implement the WHO's *Global Strategy* and CCFL has a responsibility to do so. Section 4 of the WHA resolution (WHA 57.17) 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.

And paragraph 59 of the *Global Strategy* states:

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: *labelling 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; fuller information about healthy consumption patterns, *including steps to increase the consumption of fruits and vegetables*; and production and processing standards regarding the nutritional quality and safety of products (emphasis added).

As a subsidiary body of the WHO, the CCFL is obligated to heed these calls and help facilitate the policy goals of the WHA and the WHO by requiring QUID for the food ingredients that WHO identified in *Technical Report 916* as the key to good health. Retaining sections 5.1.1 (d) and (e) would directly further these objectives. IACFO thus supports retaining and advancing sections 5.1.1 (d) of the proposed draft amendment which permits national authorities to require QUID for ingredients that may affect the health of consumers, and 5.1.1 (e) which requires the percentage disclosure of key health-related ingredients such as fruits, vegetables, whole grains, and added sugars, whether or not a claim is made about such ingredients.

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 not appropriate 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, respectively, to be

revealed.¹

Some delegations, like the United States,² argue that QUID should not be required for ingredients that appear in the name of a food because should 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 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).

- **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 refined 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 18 countries and therefore may actually lower

1 The 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 butter in “Peanut Butter.”

2 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).

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.

- **Relevance of other nutrition information on labels**

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 14 categories of foods cited in WHO Technical Report 916 as having independent causative or protective effects in regards to disease risks (see appendix)³. QUID for these ingredients in processed foods is necessary regardless of whether nutrition labeling is provided because, as the WHO noted, it is the foods themselves, not the presence of specific nutrients in the foods, which create the beneficial or detrimental effect on health. QUID thus compensates for an important limitation of nutrition labeling. Plainly, depicting nutrition labelling and QUID as providing redundant information reflects a failure to acknowledge the broad scientific consensus reflected by the conclusions of the WHO.

³ See also the general discussion of the principle in regard to the protective effects of fruits and vegetables at page 58 of Technical Report 916 which states: “The benefit of fruits and vegetables cannot be ascribed to a single or mix of nutrients and bioactive substances. Therefore, this food category was included rather than the nutrients themselves.”

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

Some argue that QUID is unnecessary for food subject to a specific identify 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 know that some brands of fish sticks may contain significantly more fish than the product meeting the minimum standard. Thus, while identify standards provide a modicum of protection, they do not replace the need for QUID.

- **Intellectual property (IP) rights**

QUID information is now routinely provided on labels in more than 18 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.

IV. Conclusion

Expanding requirements for QUID would assist in health promotion efforts recommended by the WHO. To fulfill Codex’s mission to protect the health of consumers, 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, section 5.1.1 (c) should be retained. That section provides essential consumer benefits not provided by other sections of the proposed draft amendment.

Appendix

Whole foods (as distinct from nutrients) for which there is convincing or probable evidence of causative (↑) or protective (↓) effects on disease risks						
Whole foods/ingredients (as distinct from nutrients)	Cancer	Cardiovascular Disease	Hypertension	Diabetes	Dental Caries	Obesity
Fruits	↓ (96,100)	↓ (81,89,90)	↓ (86)	↓ (75,77)		
Vegetables	↓ (96,100)	↓ (81,89,90)	↓ (86)	↓ (75, 77)		
Whole grain cereals		↓ (88, 90)		↓ (75, 77)		
Non-starch polysaccharides (from whole grains, fruits, vegetable)		↓ (82, 90)		↓ (75, 77)		↓ (58, 63)
Legumes		↓ (89)	↓ (89)	↓ (77)		↓ (56 footnote “c”)
Fish		↓ (81, 88, 90)				
Fish Oils		↓ (81, 88)				
Water (as an indicator of energy density)						↓ (70)
Free sugars					↑ (109, 112, 114, 116, 118, 119)	↑(57)
Preserved and red meat	↑ (96)					
Salt preserved foods; salt (as distinct from sodium)	↑ (96)					
Unsalted nuts (in moderation)		↑ (82, 87, 88)				
Hydrogenated Oils		↑ (89)				
Chinese-style salted fish	↑ (96)					
N.B. Numbers in parentheses refer to pages in <i>Technical Report 916</i> where applicable conclusions are made.						

*Report of the Joint WHO/FAO Expert Consultation on Diet, Nutrition, and the Prevention of Chronic Diseases
(Tech. Rpt. 916), Geneva, 2003)*