

20 March 2019

ISDI Position on Labelling & Cross promotion

CCFL 45 Agenda item 4.1 CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS (CCNFSDU)

Revision Codex Standard on Follow-up formula (CX/STAN 156-1987)

ISDI is of the opinion that section 9 on labelling of Follow-up formula for older infants is not ready for endorsement by CCFL.

Since 2013, the nutrition committee of Codex (CCNFSDU¹) has been working on the revision of the Follow-up formula Standard (CX/STAN 156-1987). Amongst other proposals, at the last session of the CCNFSDU in November 2018, a provision on cross-promotion was introduced. The proposal states as follows:

9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them, **Cross promotion between product categories is not permitted on the [label/labelling] of the product.**²

The CCNFSDU⁴⁰ referred the draft on the labelling for older infants for “endorsement/advice” to the labelling committee (CCFL³).

ISDI is of the opinion that section 9 is not ready for endorsement by CCFL for the following reasons:

- Section 9 differs significantly from the established provisions for food labelling in Codex Standards⁴,
- There is no justification, neither scientific nor market based, for the substantial deviation from Codex norms in the labeling section.
- References to additional labelling provisions and marketing prohibitions go

¹ Codex Committee on Nutrition and Foods for Special Dietary Uses

² Emphasis added

³ Codex Committee on Food Labelling

⁴ General Standard on Food Labelling (CX STAN 1-1985) and General Standard on Labelling and Claims of Foods for Special Dietary Uses (CX STAN 146-1985)

beyond the provisions of the Codex Procedural Manual⁵.

- The proposed section is inconsistent as it establishes contradictory provisions⁶
- The proposed section does not provide sufficient clarity for regulatory enforcement, nor for industry compliance, and includes undefined terms such as “Cross Promotion”.
- If adopted, it will not be in accordance with international trade obligations (technical barriers to trade and intellectual property rights).

In line with the above, ISDI is of the opinion that Section 9 (labelling) is not ready for endorsement by CCFL.

⁵ [Procedural Manual](#), 26th edition, Section II – Relations between commodity standards and general subject committees, p.49

“Where commodity committees are of the opinion that the general provisions are not applicable to one or more commodity standards, they may request the responsible general subject committees to endorse deviations from the general provisions of the Codex Alimentarius. Such requests should be fully justified and supported by available scientific evidence and other relevant information. Sections on food [...]labelling [...] which contain specific provisions or provisions supplementing the General Standards, Codes or Guidelines shall be referred to the responsible general subject committees at the most suitable and earliest time in the Procedure for the Elaboration of Codex Standards and Related Texts, though such referral should not be allowed to delay the progress of the standard to the subsequent Steps of the Procedure.

⁶ Particularly example is Section 9.6.2.3 prohibits to “recommend or promote bottle feeding“ whereas section 9.5.2 requests “adequate directions for the appropriate preparations and use of the product” where 9.5.3 requests “clear graphic instructions illustrating the method of preparation of the product”.