

Brussels, 18 February 2019

# ISDI response to CL 2019/14-FL: Proposed draft Guidelines on Front-of-Pack Nutrition Labelling (CX/FL 19/45/6)

CCFL45 Agenda item 6: Proposed draft Guidelines on Front-of-Pack Nutrition Labelling CX/FL 19/45/6; Comments in reply to CL 2019/14-FL

*ISDI is the leading international expert association on special dietary foods. It brings together national and international associations that are active in this food sector from more than 20 countries over 6 continents.*

ISDI thanks Costa Rica (Chair) and New Zealand (Co-Chair) for chairing the eWG and for the extensive work in preparation of the Draft Guidelines on Front Of Pack Nutrition Labelling (FOPNL). Below you will find comments from ISDI on the Draft Guidelines on Front Of Pack Nutrition Labelling (FOPNL) at step 3.

## SCOPE

ISDI welcomes the recognition by the eWG that it is inappropriate to apply a FOPNL developed for foods for the general population to certain foods. ISDI supports the current proposal in paragraph 2.2.; the clarification on the exclusion of Foods for Special Dietary Uses (FSDU) and the clear distinction between exemption and exclusion.

**ISDI would like to raise the following comments:**

- **Footnote referencing the General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses (CODEX STAN 146-1985)**

To ensure the clarity of the guidelines, and in line with the approach taken in these guidelines for referencing other Codex texts, ISDI recommends the addition of a footnote to reference the General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses (CODEX STAN 146-1985), which defines FSDU.

- **Foods for infants and young children**

The definition of Foods for Special Dietary Uses (FSDU) can be found in the General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses (CODEX STAN 146-1985) in section 2.1 on Description. In that section, the footnote 1 clearly identifies that FSDU include foods for infants and young children.

Foods for infants and young children encompass infant formula, follow on formula and [name of the product] for young children, under discussion in the frame of the Codex FUF revision, Processed Cereal-Based Foods for Infants and Young Children, Canned Baby Foods and Formulated Complementary Foods for Older Infants and Young Children.

Therefore, ISDI suggests to keep the simple reference to "foods for infants and young children" as specified in General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses (CODEX STAN 146-1985).

- **Sports foods and drinks**

ISDI would also like to stress that sports foods and sports drinks, when meeting the definition of FSDU, are FSDU<sup>1</sup>. On that basis, many countries around the world recognise the sport food category as an FSDU and have established

<sup>1</sup> You can find on [the following web page](#) the ISDI brochure providing background information on FSDU in the context of Codex.

specific regulations and/or guidelines for these products. In these countries, a clear distinction exists at national level between general food marketed to sport people (including energy drinks) and FSDU for sport people (such as carbohydrate electrolytes drinks, protein supplements etc.).

In that context ISDI would also like to flag the CEN initiative for an Antidoping Standard that recognises the specific nature and role of these products.

Considering the differences in the classification of sports foods and drinks as FSDU around the world, ISDI recommends to list as examples FSDU categories of products covered by specific Standards, such as foods for infants and young children, formula foods for use in weight control diets and foods for special medical purposes, and to delete the sports foods or drinks reference. It should however be noted in the CCFL report that countries can still decide to consider sports foods and drinks as FSDU and exclude them from FOPNL.

- **Formula Foods for Use in Weight Control Diets (CODEX STAN 181-1991)**

In addition, and to build on the principle of referring to product categories covered by a specific Standard under the FSDU category, ISDI would suggest the inclusion in the list of Formula Foods for Use in Weight Control Diets (CODEX STAN 181-1991). This Standard covers products also called meal replacement or slimming food, where the product must provide 30% of nutrients intake and therefore the application of FOPNL would be illogical. ISDI believes the example of this exclusion to be important, as the rational/ground for the exclusion is different compared to the other FSDU.

ISDI would also like to stress, in that perspective, Formula Foods for Use in Very Low Energy Diets for Weight Reduction, covered by CODEX STAN 203-1995 are FSMP and are consequently already covered in the exclusions.

**Proposed text**

2.2 Alcoholic beverages and certain foods for special dietary uses (new footnote), ~~{including infant formula, foods for infants and young children, formula foods for use in weight control diets, sports foods or drinks}~~, and foods for special medical purposes are excluded (existing footnote 3).

NEW FOOTNOTE: **As defined in the General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses (CODEX STAN 146-1985).**

Existing footnote 3: Exclusions are foods that must not have FOPNL. Exemptions are where the food does not have to have FOPNL, but if it does, it does not affect its application.

**Clean version of the proposed text**

2.2 Alcoholic beverages and certain foods for special dietary uses (new footnote), including foods for infants and young children, formula foods for use in weight control diets and foods for special medical purposes are excluded (existing footnote 3).

NEW FOOTNOTE: As defined in the *General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses* (CODEX STAN 146-1985).

Existing footnote 3: Exclusions are foods that must not have FOPNL. Exemptions are where the food does not have to have FOPNL, but if it does, it does not affect its application.

**GENERAL PRINCIPLES**

- **PRINCIPLE 12: Should be calculated and applied to the food 'as sold' with minimal exceptions**

Regarding principle 12 and section 4.12, ISDI considers that the FOPNL guidelines should clearly identify the need for some flexibility in certain cases, as FOPNL systems should accommodate the situation of “food as consumed/as reconstituted”, or expressions “per portion” or “per 100g”/“per 100ml” where the application of the FOPNL on “food as sold” would be misleading or would not make sense.