

CODEX COMMITTEE ON FOOD LABELLING

48th Session

Québec City, Canada,

27 October – 1 November 2024

European Union Comments on

Agenda Item 8:

Amendments to the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985): Provisions relevant to Joint Presentation and Multipack Formats

(CX/FL 24/48/8 – CL 2024/56-FL)

Mixed Competence

European Union Vote

In response to Circular Letter 2024/54-FL, the European Union and its Member States (EUMS) would like to make the following comments:

1/ On the current scope and provisions of the Codex *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

As already explained previously, the EUMS consider that the Codex *General Standard for the Labelling of Prepackaged Foods* (GSLPF) provides labelling requirements that apply to all prepackaged foods to be offered as such to the consumer or for catering purposes, whether offered in individual packages or in “*joint presentation*” or “*multipack formats*”.

In particular the definition of “*container*”, which specifies that “*a container may enclose several units or types of packages*”, makes it clear that the scope of the GSLPF includes already prepackaged foods in “*joint presentation*” and “*multipack formats*”.

Furthermore, sections:

- 8.1.2 “*Statements required to appear on the label by virtue of this standard or any other Codex standards shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use*”, and

- 8.1.3 “*Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper or not obscured by it*”,

provide already that the mandatory labelling particulars shall, in the case of “*joint presentation*” and “*multipack formats*”, either be on the wrapper or be readily legible through the wrapper / not obscured by it.

2/ On the proposed definitions of “*joint presentation*” and “*multipack formats*”

The definitions proposed are:

“*Multipack format*” means that presentation that is made up of a secondary outer container and two or more units of the same or different prepackaged food, which are intended to be consumed separately.

Note: For example, small packages of French fries of different flavors in a larger package. "Joint presentation" means a consisting of an outer container that contains two or more units of food of different nature, which are supplemented or mixed for consumption.

Note: For example, yogurt and cereal."

The EUMS' view is that the proposed definitions lack clarity, and add complexity and uncertainty as:

- The main differentiating criterion between "joint presentation" and "multipack formats" is whether the different units of food they contain are "intended to be consumed separately" or "supplemented or mixed for consumption". This creates legal uncertainty and may cause confusion, as this criterion is open to interpretation. For example, small packages of French fries of different flavors are often consumed together, whereas yogurts and cereals can also be consumed separately (*i.e.* they do not need to be mixed for consumption). Moreover, the EUMS fail to understand the reasons that consumption of various items together or separately is used as a criterion for the classification of foods for labelling purposes;
- The definitions introduce, in addition to "wrapper" already mentioned in the GSLPF and to "outer packaging" mentioned in the additions proposed to section 8, the concepts of "outer container" and "secondary outer container" without defining them.

3/ On the proposed additional provisions in section 8 Presentation of mandatory information

The EUMS are of the opinion that the proposed additional provisions:

- Cause confusion and uncertainty: they can be interpreted as only the name of the food, the list of ingredients and the name and address of the product packer having to be indicated on the "outer packaging of joint presentations and multipack formats" when the "container is opaque and does not allow such information to be viewed on the food it contains";
- Add complexity: they introduce specific labelling requirements for "joint presentations" or "multipack formats", which do not apply to other prepacked foods offered in individual packages. These additional provisions would create a new framework, specific to "joint presentations" and "multipack formats" and would put in question the applicability of other provisions of the GSLPF to such products (e.g. the provisions on special conditions for storage or on instruction for use).

Considering the above comments, the EUMS consider that following modifications are sufficient to clarify further that "multipack formats" and "joint presentations" are included in the scope of the GSLPF and that the mandatory labelling particulars shall either be on the wrapper or be readily legible through the wrapper / not obscured by it:

*"Container" means any packaging of food for delivery as a single item, whether by completely or partially enclosing the food and includes wrappers. A container may enclose several units or types of packages **of the same or different nature to be consumed together or separately**, when such is offered to the consumer."*

*"8.1.3 Where the container is covered by a wrapper, **either** the wrapper shall carry the necessary information, or the label on the container **or the labels on the different units or types of packages of the container** shall be readily legible through the outer wrapper or not obscured by it".*