

**Codex Alimentarius Commission**  
**(42<sup>nd</sup> Session)**  
**8 - 12 July 2019**  
**Geneva, Switzerland**

**European Union Comments on**

**Codex Circular Letter CL 2018/94-NFSDU:**

**Request for comments at Step 5 on the Review of the Standard for Follow-up Formula: Proposed draft scope, description and labelling for follow-up formula for older infants.**

*European Union Competence*  
*European Union Vote*

The European Union (EU) would like to submit the following comments:

**1. General Comments on the proposed draft revised Standard for follow-up formula (CXS 156-1987): Section A: follow-up formula for older infants**

The European Union (EU) in general agrees with the proposed labelling provisions for follow-up formula for older infants, which reflect what was agreed in CCFSDU39 and CCNFSDU40. Furthermore, the EU considers that the proposed text adequately addresses one of the main concerns, which is to make sure that the labelling of follow-up formula for older infants does not discourage breastfeeding. This principle is also reflected in a number of provisions of EU legislation applicable to follow-on formula as well as in the Infant Formula Standard.

**2. Specific Comments on the proposed draft revised Standard for follow-up formula (CXS 156-1987): Section A: follow-up formula for older infants-section 9.6.4**

With respect to section 9.6.4 the EU strongly supports the first sentence of the section, as the EU considers essential to ensure that different products intended for infants and young children are clearly distinguishable from each other by the consumers. The best way to achieve this is to include in the Standard a provision clearly specifying how that should be ensured. The EU therefore particularly welcomes the inclusion of the specific reference to “*text, images and colours used*” in the provision, which is also in line with the EU legislation (Article 6(6) of delegated Regulation (EU) 2016/127.).

However, the EU does not at this stage support the second sentence of the section on cross-promotion.

The concept of cross-promotion was introduced as a new concept for the labelling provisions during the 40<sup>th</sup> plenary session of CCNFSDU. Upon request of the Committee the representative of WHO clarified at CCNFSDU40 that “*the intent of the provision on cross-*

*promotion was to avoid messages on labels that a product for a particular age group was also suitable for another age group or that reference was made to a similar product for another age group”.*

The EU wishes to note that the term cross-promotion is not defined in Codex texts and it may therefore be subject to different interpretations at national level. In other literature, the term is broadly defined and often covers different concepts. By way of example, cross-promotion is referred to in the WHO Guidance on ending the inappropriate marketing practices of foods for infants and young children as follows: *“Cross-promotion (also called brand crossover promotion or brand stretching) is a form of marketing promotion where customers of one product or service are targeted with promotion of a related product. This can include packaging, branding and labelling of a product to closely resemble that of another (brand extension). In this context, it can also refer to use of particular promotional activities for one product and/or promotion of that product in particular settings to promote another product”.*

As a consequence, the interpretation of the term given by the WHO Representative in CCNFSDU40 appears to differ from the definition used in the WHO Guidance document. In addition, it cannot be excluded that other definitions than the one provided by WHO could be used.

In light of these considerations, the EU welcomes the outcome of the discussions in CCFL45 that endorsed the first sentence of section 9.6.4. and agreed to return the last sentence on cross-promotion to CCNFSDU for further consideration.