

**CODEX COMMITTEE ON FOOD LABELLING**  
**47<sup>th</sup> Session**  
**Ottawa, Canada, 15 – 19 May 2023**

**European Union Comments on**

**Agenda Item 5.1:**

**Proposed draft revision to the *General Standard for the Labelling of Prepackaged Foods* – Provisions relevant to allergen labelling**

**(CX/FL 23/47/5 (Part A)- CL 2023/06-FL Appendix II)**

**European Union Competence**  
**European Union Vote**

Codex members and observers are invited to submit comments on:

- (i) the proposed draft revision to the GSLPF in Appendix II of [CX/FL 23/47/5](#)
- (ii) whether to provide any advice to CCFH to ensure consistency with the *Code of Practice on Allergen Management for Food Business Operators* (CXC 80-2020).

The European Union (EU) would like to thank Australia, the United Kingdom and the United States of America for the preparation of the document 'CX/FL 23/47/5 – Proposed revisions to the General Standard for the Labelling of Pre-packaged Foods (GSLPF) (CXS 1-1985) relevant to allergen labelling.

The EU would like to propose the following comments to improve further the text. As regards the timing to provide advice to CCFH, the EU considers that it may be more appropriate that this is done at Step 5 of the text, when a more stable text is available.

**APPENDIX II**

**PROPOSED DRAFT REVISION OF THE *GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS* (CXS 1-1985) RELEVANT TO ALLERGEN LABELLING**

(revisions to GSLPF are presented as **bolded** additions and ~~strike through~~ deletions)

**(FOR COMMENTS AT STEP 3 THROUGH CL 2023/06/OCS-FL)**

**2. DEFINITION OF TERMS**

The EU agrees with the definition proposed for food allergy and with the replacement of the term 'hypersensitivity' later in the text.

**4. MANDATORY LABELLING OF PREPACKAGED FOODS**

Section 4.2 List of ingredients

Section 4.2.1.3

The EU supports the proposed draft revision and the editorial changes that have been incorporated in Section 4.2. The EU suggests an additional editorial correction: “[...] **foods and ingredients listed in sections** 4.2.1.4, 4.2.1.6 and where applicable section 4.2.1.5 [...]”.

Section 4.2.1.4

The EU welcomes the proposed approach of the two lists (priority and national or regional allergens). As regards the footnote for the coeliac disease, the EU considers that footnotes in Codex Standards should be avoided. However, in the light of the justification provided in background document CX/FL 23/47/5, the footnote 1 can be accepted.

With regards to the definition provided for coeliac disease, the EU considers that the definition proposed misses explicit reference to autoimmunity. In addition, the EU would avoid defining coeliac disease as an “intestinal” disease, as symptoms can be quite systemic (although diagnosis is made on the enteropathy). The EU has the following suggestions to improve the text:

*“Coeliac disease is a chronic ~~immune-mediated intestinal disease~~ **autoimmune systemic disorder triggered** in genetically predisposed individuals by exposure to dietary gluten proteins that come from wheat, rye, barley and triticale (a cross between wheat and rye).”*

#### **Table on “FOODS AND INGREDIENTS”**

**SPECIFIED NAME:** The EU agrees that allergen information must be clear to understand and that substances must be indicated in the list of ingredients with a clear reference to their name as listed therein (e.g., eggs, fish, milk etc.), except for cases where the ingredient is common and a well-understood term by consumers e.g., cream, cheese.

The EU also considers that the specified names indicated in sections 4.2.1.4 and 4.2.1.5 should allow the possibility to complete with additional well-understood terms, where appropriate.

The EU suggests adding one line space above the word “wheat” so that the specified names in the second column align to the foods and ingredients listed in the first column. The same applies to the ‘specific tree nuts’ section, above the word ‘almond’.

**Cereals containing gluten:** The EU would like to see Khorasan wheat be included in the list. The footnote for cereals containing gluten should read:

*Includes spelt, **Khorasan wheat** and other specific cereals containing gluten that are species or hybridized strains under the genus names of Triticum, Secale and Hordeum. Specified names are to be used according to the associated genus. Hybridized strains are to use specified names in conjunction from all of the parent genera (e.g. ‘wheat’ and ‘rye’ for triticale).*

**‘wheat’:** With respect to “cereals containing gluten”, the EU considers that:

- some flexibility should be allowed as regards the word ‘wheat’ to be accompanied by the word ‘durum’, ‘spelt’ or ‘khorasan’ on a voluntary basis, where ‘spelt’, ‘khorasan’ or ‘durum’ is used. For example: wheat or wheat (durum) or durum wheat, wheat or wheat (spelt) or spelt wheat.
- some flexibility should be allowed as regards the indication of a specific type of cereal to be accompanied by the word ‘gluten’, on a voluntary basis. For example: wheat flour (contains gluten) or wheat flour (gluten).

**‘milk’:** The EU considers that the specified name should not be restricted to ‘milk’. It should instead read: **“‘milk’ or the common name of individual milk products”**; as for fish and crustaceans. This will allow on a voluntary basis, other common names to be used for milk, such as cheese and cream.

Some flexibility should be provided for cases where, e.g., a food is sold under a name such as ‘cheese’, ‘cream’ which clearly refers to one of the allergens listed in section 4.2.1.4 (e.g., milk) and for which it is not required to bear a list of ingredients, the allergen in question does not have to be indicated on the label.

**Specific tree nuts:** The EU believes that, as provided for the cereals, it would be useful, for clarity purposes, to provide the scientific names for the tree nuts category as well, such as for example:

Almonds (*Amygdalus communis* L.), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*), macadamia or Queensland nuts (*Macadamia ternifolia*).

The rationale behind this proposal is that Codex texts are used at global level and translations are provided only in some languages, not in all. The scientific name of tree nuts is considered a global name and therefore, mentioning the scientific names in the text will ensure consistency with the international nature of these standards.

#### Section 4.2.1.5, Table on “FOODS AND INGREDIENTS”

**Specific tree nuts:** The EU suggests modifying the text to “**macadamia or Queensland nuts**”. “Queensland nuts” share the same scientific name as macadamia nuts. For completeness, the EU proposes to include Queensland nuts in the list of tree nuts, alongside macadamia.

The EU suggests adding a new line: “**Molluscs and products thereof**”:

From the WHO report on risk assessment:

“The Expert Committee also assessed mustard, soybean, lupin, Brazil nut, kiwi, pine nuts, molluscan shellfish, coconut, chestnuts, celery, macadamia and buckwheat, but decided not to include them as part of the global priority list for reasons provided in this report. However, the Expert Committee also reached a consensus that some of the allergens, such as mustard, lupin, soybean, tree nuts (Brazil nut, macadamia, pine nuts), oats, celery and buckwheat may need be considered at regional levels. *The risk managers could base their decision to include other food allergens on their regional priority lists on the scientific evidence, depending on their specific situation*”.

On this basis, The EU would like to see “Molluscs and products thereof” be included in the national or regional allergen list. According to the [EFSA opinion on the evaluation of allergenic foods and food ingredients for labelling purposes](#), molluscs can cause severe and occasionally life-threatening food-allergic reactions.

#### Section 4.2.1.6

The EU would like to seek clarification as to why sulphur dioxide has not been included in provision 4.2.1.6. The EU suggests that sulphur dioxide is included in this provision and proposes the following wording:

**“4.2.1.6 When added sulphite or sulphur dioxide is present in a food, and the total concentration exceeds” 10 mg/kg, ~~# they~~ shall always be declared using the specified name ‘sulphite’ or ‘sulphur dioxide’.”**

#### Section 4.2.1.7

The EU agrees with the generic provision for allowing exemptions on a case-by-case basis, however, would like to add “...**national or regional authorities may exempt....**”

#### Section 4.2.2

The EU notes that a reference to section 4.2.1.6 is missing from this paragraph. The EU wonders if this has been intentional (and why) or due to an omission.

**“4.2.2 The presence in any food or food ingredients obtained through biotechnology of an allergen transferred from any of the products **foods and ingredients** listed in sections 4.2.1.4, 4.2.1.6 and **where applicable 4.2.1.5** shall be declared. When it is not possible to provide adequate information on the presence of an allergen through labelling, the food containing the allergen should not be marketed.**”

#### Section 4.2.3.1.

The EU has the following editorial suggestion:

**4.2.3.1 ~~Except for those ingredients listed in section 4.2.1.4, and u~~Unless a general class name would be more informative, the following class names may be used. In all cases, the food and ingredients listed in sections 4.2.1.4, 4.2.1.6 and where applicable 4.2.1.5 shall be declared by using the specified names listed in those sections.”**

#### Section 8.3.1

The EU proposes the following addition to the text:

**“8.3.1 The foods and ingredients listed in sections 4.2.1.4, 4.2.1.6 and where applicable 4.2.1.5 shall be declared in the list of ingredients so as to contrast distinctly from the surrounding text, such as through the use of font type, style or colour.”**

#### Section 8.3.2 and 8.3.2.1

The EU has stressed in all previous consultations that the revised text, for paragraphs 8.3.2 and 8.3.2.1, is problematic and that the EU cannot support it for the reasons described below.

In the EU the use of a separate statement about allergens is not permitted when a list of ingredients exists. By always and exclusively declaring the allergens in the list of ingredients, it ensures consistency in the way of providing information to Consumers with food allergies.

The EU believes that the safest approach is to educate consumers with allergies to systematically read and verify the list of ingredients for the presence of any allergenic foods or substances in a product, since allergenic ingredients must always be declared and contrasted in the list of ingredients.

The EU insists that the use of separate statements will seriously increase the risk that consumers confuse the actual presence of allergens still present in the final product and the potential presence of allergens in the context of precautionary allergen labelling (PAL). There is a high risk that consumers misinterpret that anything in a separate box is PAL, and risk ignoring information on allergens in the list of ingredients.

Another point is that if such separate statements on allergen labelling are provided on a voluntary basis consumers will be even further misled, should they think that foods without 'allergen boxes' or without 'separate statements' do not contain any allergens.

Against this background, in the EU, it is not permitted to repeat information on allergens outside the list of ingredients (see Recital 47, Article 21(1), read in conjunction with Article 36(1), of Regulation (EU) No 1169/2011 on the provision of food information to consumers).

The EU strongly believes that different schemes of providing information to consumers may result in confusing consumers. For the reasons above, the EU proposes the deletion of these two paragraphs.

~~***“8.3.2 — When the foods and ingredients in sections 4.2.1.4, 4.2.1.6 and where applicable 4.2.1.5 are declared in the list of ingredients, they may also be declared in a separate statement, which shall be placed near and in the same field of vision as the list of ingredients.***~~

~~***8.3.2.1 The statement shall commence with the word ‘Contains’ (or equivalent word) and must declare all the foods and ingredients which are declared in the list of ingredients as applicable in accordance with section 8.3.1.”***~~

#### Sections 8.3.3 and 8.3.4

In the light of the comments in the section above, the EU proposes the following changes to the text of paragraphs 8.3.3 and 8.3.4. Further the EU proposes the addition of a new paragraph 8.3.5 to clarify the labelling needs in situations where several ingredients originate from a single allergen. Please see the concerned suggestions below.

**8.3.3** Where a food is exempt from declaring a list of ingredients, the foods and ingredients listed in sections 4.2.1.4, 4.2.1.6 and where applicable 4.2.1.5 shall be declared by comprising the word ‘contains’ followed by the name of the food or ingredient listed in sections 4.2.1.4, 4.2.1.6 and where applicable 4.2.1.5, such as in a statement made in accordance with section 8.3.2.1.

**8.3.4** For single ingredient foods, section 8.3.3 does not apply where foods and ingredients listed in sections 4.2.1.4, 4.2.1.6 and where applicable 4.2.1.5 are declared as part of, or in conjunction with, the name of the food.

**8.3.5** Where several ingredients or processing aids of a food originate from a single food and ingredient listed in sections 4.2.1.4, 4.2.1.6 and where applicable 4.2.1.5, the labelling shall make it clear for each ingredient or processing aid concerned.