

Briefing note – June 2018

Public health nutrition and front of pack nutrition labelling at Codex

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This briefing note was prepared based on a study of the global governance of nutrition labelling, including analysis of documents and 23 interviews with experts. Ethical approval was granted by the University of Sydney.

Purpose

- This brief is designed to provide an overview of current discussions at Codex – the international standards-setting body for food – regarding Front of Pack nutrition Labelling (FoPL) for public health, and key issues and points of advocacy for public health actors.

Background

- Nutrition labelling, including front of pack labels that interpret nutrition information, is part of the comprehensive package of measures to improve diets and prevent obesity and non-communicable diseases recommended by the World Health Organization (WHO).
- Up to now, more than 20 countries have implemented diverse approaches to FoPL.
- Codex has a dual mandate: to protect consumer health and promote fair trade practices.
- Proposals by five countries for mandatory FoPL have been subject to specific trade concerns at the World Trade Organization (WTO).

Key issues

- Any definition, guidance or specifications developed by Codex for FoPL are important because Codex is a recognized standards setting body, used by members in national policy development and potentially referenced in international trade disciplines regarding food.
- To date, there has been significantly higher representation of food industry compared to public health actors in Codex processes surrounding FoPL.
- Public health input into Codex discussion on FoPL is important given its potential role in promoting healthier diets.
- There is a potential conflict of interest between public health priorities and industry objectives to promote trade and consumption.

Recommendations

- Public health actors have an opportunity to advocate in Codex processes, either through becoming members of their national Codex delegation, engaging as formal 'Observers' to Codex, or through providing input to their national Codex Contact Points.
- Advocacy should focus on ensuring that: the definition and objectives of FoPL includes health as an explicit priority; public health policy space is preserved for countries to pursue nutrition policy objectives; countries can adopt innovative FoPL approaches; potential conflicts of interest are acknowledged and managed; and WHO guidelines on dietary goals and recommendations regarding best-practice FoPL are explicitly referenced in any Codex guideline.

1. What is Front of Pack Nutrition Labelling (FoPL)?

Part of the Codex process will include defining the term 'front of pack nutrition labeling', which is defined in different ways in different parts of the world.¹ Generally, FoPL is understood as the presentation of supplementary nutrition information on the main (front) panel of pre-packaged foods, to aid consumer understanding of the nutritional quality of the product. There are both *interpretive* and *informative* approaches to FoPL.

¹ See public discussion paper from the Codex Committee on Food Labelling Paraguay meeting in 2017 http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?Ink=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-714-44%252FWD%252Ff144_07e.pdf

At least 16 diverse FoPL systems are operating in twenty-three countries, with another 14 schemes proposed.¹ FoPL has been implemented in a variety of designs, providing information ranging from the content of single nutrients to the nutritional quality of products overall; providing positive and/or negative judgements (e.g. endorsement logos, nutrient-based warning labels); implemented under voluntary or mandatory arrangements; and led by a variety of government, industry and civil society actors.

2. *What is Codex?*

Codex is the term used to refer to the institutional structures responsible for the implementation of the Joint FAO/WHO Food Standards Programme. The Codex Alimentarius Commission (CAC) is the peak decision making body of Codex and meets once per year. Codex has a dual mandate: to protect consumers' health and to ensure fair practices in food trade, and membership is open to all Member Nations and Associate Members of FAO and WHO.² Member countries have a designated 'Codex Contact Point', which may be situated in Ministry of Industry, Agriculture or Health or in national standardization bodies. In some cases, country delegations to the CAC also include private sector or non-government representatives. Intergovernmental organizations and international non-governmental organizations (including industry and public health stakeholders) may apply for Observer status. Observers can provide expert input but not vote.

The *Codex Alimentarius* is a collection of internationally adopted food standards, guidelines and related texts, which often become the basis for national legislation. Because Codex is recognized as an international standards setting body by the WTO, the Codex Alimentarius can be referenced in trade disputes. When WTO member states exceed Codex standards there can be additional requirements for scientific justification.

3. *Current process and status of discussion on Front of Pack nutrition Labelling*

Codex has existing guidelines on nutrition labelling but these provide limited guidance on FoPL. Codex guidelines currently state that presentation of 'supplementary nutrition information' is 'optional'. FoPL has been subject to specific trade concerns at the WTO, in part because multiple schemes adopted by importing countries may affect trade.³ Codex is now undertaking work to develop further guidance on FoPL. As these processes can be lengthy, interested governments do not need to delay development of FoPL while discussions are ongoing.

An electronic Working Group (eWG) on FoPL was established in 2016, chaired by Costa Rica and New Zealand. The eWG had a significant imbalance in representation from industry and public health. Membership included forty-four countries⁴, plus the European Union. The formal observers included 13 international organizations representing the food industry⁵, particularly the sugar and beverages sectors, and two representing consumers⁶. In October 2017, the eWG presented initial work to the 44th Session of Codex Committee on Food Labelling, where members agreed to start new work on FoPL which will be presented for approval at the 41st Session of the CAC in July 2018. The new work is being undertaken by a new eWG, once again led by Costa Rica and New Zealand. Papers available from Codex suggest the intention of this work is to provide some global consistency in approach to FoPL, not to establish a specific global FoPL scheme.¹

² Codex currently has 189 members (188 countries and the European Union), and 256 Observers. <http://codexalimentarius.org>

³ Thow AM, Jones A, Hawkes C, Ali I and Labonte R. Nutrition Labelling is a Trade Policy Issue: Lessons From an Analysis of Specific Trade Concerns at the World Trade Organization. Health Promotion International. 2017. <https://doi.org/10.1093/heapro/daw109>

⁴ Argentina, Australia, Belgium, Botswana, Brazil, Canada, Chile, China, Costa Rica, Croatia, Egypt, El Salvador, France, Germany, Guatemala, Hungary, Iceland, India, Indonesia, Iran, Jamaica, Kenya, Malaysia, México, Netherlands, New Zealand, Nicaragua, Norway, Panamá, Paraguay, Perú, Philippines, Poland, República de Colombia, República Dominicana, Republic of Korea, Russian Federation, Spain, Sweden, Thailand, United States, United Kingdom, Uruguay, Zambia

⁵ CEFS - Comité Européen des Fabricants de Sucre, Food Drink Europe, Food Industry Asia, Institute of Food Technologists®, International Alliance of Dietary/Food Supplement Associations, International Chewing Gum Association, International Council on Amino Acid Science, International Council of Beverages Associations, International Council of Grocery Manufacturers Association, International Confectionery Association, International Dairy Federation, World Sugar Research Organization, YLFA International (yoghurts and live fermented milks).

⁶ Consumers International, International Association of Consumer Food Organizations (IACFO)

4. Protecting public health nutrition priorities with respect to FoPL at Codex

Public health actors can engage with Codex processes, including the eWG, through 1) becoming a member of the national delegation to Codex meetings; 2) becoming an Observer (as an international organization) or joining an existing Observer organization, and making submissions to the eWG⁷, and 3) discussing issues with your country's Codex Contact Point and ensuring that FoPL is on the agenda and understood as an important public health issue. Key points for advocacy include:

A definition that prioritises public health: The definition of FoPL is important, and should focus on including schemes that are most effective from a public health perspective. For example, evidence suggests interpretive labels are easier than informative approaches (such as the Guideline Daily Amount label) for consumers to understand and use.⁸

Ensuring recognition of public health objectives: A major focus of the current discussion is harmonization, from a trade/industry perspective. However, Codex guidance on FoPL could also reinforce the ability of countries to pursue legitimate public health objectives through FoPL, which may include: reducing consumer deception; increasing consumer understanding; incentivizing product reformulation; reducing consumption of sugar, sodium, saturated fat; and/or reducing NCD risk.

Preserving public health policy space: It is critical that guidance clearly allows for national policy space to achieve public health nutrition objectives, by allowing room for diversity and innovation, strong regulation, and for basing approaches on national evidence. Evidence is rapidly evolving, but currently suggests that for improving diets, stronger regulation would include mandatory labels that use interpretive elements, such as colours, symbols or words, underpinned by robust and transparent criteria for nutrient scoring or profiling.

Preventing and managing conflicts of interest: FoPL presents a challenge with respect to the dual mandate of Codex: to protect consumer health and ensure fair practices in trade.⁹ Any guidance developed by Codex needs to allow governments policy space to prevent and manage potential conflicts of interest in developing national FoPL schemes.¹⁰ For example, governments may elect to engage with industry during implementation, but limit engagement during policy development in order to protect achievement of the public health nutrition goal.

Ensuring explicit reference to WHO guidelines on dietary goals and recommendations regarding best-practice front of pack nutrition labelling. Codex documentation¹ recognizes that WHO is currently developing guidance for countries considering FoPL, and the importance of coherence in the work of WHO and Codex, which will be important in promoting public health in this process. Explicit reference to WHO's concurrent program of work on FoPL will also make it easier for Codex guidance to be updated if WHO guidance is updated to reflect emerging health evidence.

⁷ For example, if you are a member of your national Public Health Association, you can make submissions through the World Federation of Public Health Associations (WFPHA), which is an observer of the new eWG. To do so, please contact ajones@georgeinstitute.org.au who is coordinating that process on behalf of WFPHA.

⁸ Cecchini, M. and Warin, L., 2016. Impact of food labelling systems on food choices and eating behaviours: a systematic review and meta-analysis of randomized studies. *Obesity reviews*, 17(3), pp.201-210.

Neal, B., Crino, M., Dunford, E., et al, 2017. Effects of Different Types of Front-of-Pack Labelling Information on the Healthiness of Food Purchases—A Randomised Controlled Trial. *Nutrients*, 9(12), p.1284.

⁹ This has been an ongoing challenge at Codex, for example, see Tritscher, A., et al., Ensuring food safety and nutrition security to protect consumer health: 50 years of the Codex Alimentarius Commission. *Bulletin of the World Health Organization*, 2013. 91(7).

¹⁰ See for reference the WHO Program of Work on Safeguarding Against Possible Conflicts of Interest in Nutrition Programmes <http://www.who.int/nutrition/consultation-doi/comments/en/>