CODEX ALIMENTARIUS

VIS A VIS

THE WHO GLOBAL STRATEGY
ON
DIET, PHYSICAL ACTIVITY
AND HEALTH

Food Standardisation to support the reduction of chronic diseases
(food and diet for a healthy long life)
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Summary

In response to a request of Member States WHO developed a Global Strategy on Diet, Physical Activity and Health to tackle the worldwide rapid increase of noncommunicable diseases (NCDs). In this strategy it is recognised that only a broad coalition initiating activities in a range of important issues like encouraging physical activity and promoting a healthy diet can counteract this worldwide development. It is also noted that the consumer will be the key factor in solving this problem, however the environment in which the consumer acts certainly has a substantial influence on his choice. This document analyses how the Codex Alimentarius, as the organisation dealing with food legislation and food issues, can support the WHO Global Strategy. The Codex Alimentarius can contribute to the implementation of the WHO Global Strategy particularly in the areas related to the composition of food, and to nutrition and health information.

The document investigates Codex involvement with nutrition, with nutrition and health information and with product standardisation in relation to nutritional aspects. From that analysis it is clear that the Codex Alimentarius Commission can support the Global Strategy, primarily by the elaboration of guidelines with regard to labelling, presentation and promotion of foods (i.e. information given to the consumer). It would also be useful to adjust commodity standards in order to remove obstacles to product improvement in relation to the Global Strategy. In that way Codex can contribute significantly in enabling the consumer to make prudent choices, to make the healthy choice the easy choice and to prevent unsuitable, incorrect or misleading information through labelling, presentation and advertising.

It is recommended that Codex develops guidelines and codes of practice to reach that objective. These guidelines and codes of practices should adress the promotion of foods directed at (young) children, food promotion activities in schools, activities of the food industry, the catering organisations and the retail sector. It is also recommended that some important improvements are made on the labelling of foods to enable the consumer to get a better understanding of the nutritional aspects of the food, like the energy content in proportion to the metabolic need, i.e. the energy expenditure.

The Codex Alimentarius Commission did elaborate several hundreds of standards with product specifications. These standards have been studied. Analysed are the requirements related to the presence of the riskfactors for NCDs: i.e. (added) fat (content and fatty acid composition), (added)sugars and (added)sodium chloride. The conclusion is that Codex can make specific requirements for these riskfactors, but that in only a few cases are these taken into account. Therefore it is recommended to make provisions in codex commodity standards for foods with a low energy density, to maximize in codex commodity standards fats/oils provisions by permitting the use of unsaturated fats and to allow the substitution of sugars by non-nutritive sweeteners to lower the energy content. It is also recommended to maximise more frequently the use of sodium chloride in those standards.

In principle the Codex Alimentarius Commission can implement most of these recommendations in the present structure. However it is felt that there is an urgency in implementing the WHO Global Strategy and it is therefore recommended to establish a special Codex body (i.e. a Codex Task Force for Nutrition and Good Nutrition Practices) to advise the Codex Alimentarius Commission about the recommendations and elaborate Codes of Practice for the promotion and marketing of food. However the elaboration of guidelines or codes of practice related to labelling, presentation and advertising could be taken up by the
CCFL. In that case the Terms of Reference of this committee has to be clarified or adjusted so as to include an area of crucial importance, namely advertising.
1. Recognizing the heavy and growing burden of noncommunicable diseases (NCDs), Member States requested the Director General of the World Health Organization (WHO) to develop a global strategy on diet, physical activity and health. The *World health report 2002* describes in detail how a few major risk factors account for a significant proportion of all deaths and disease in most countries. For NCDs the most important risks included high blood pressure, high blood cholesterol, low fruit and vegetable intake, overweight and tobacco use. Five of these global risk factors are closely related to diet and physical activity. A recent report of the joint WHO/FAO Expert Consultation on Diet, Nutrition and the Prevention of Chronic Diseases provides updated evidence and recommendations on population nutrient intake and physical activity goals for the prevention of major NCDs. The report has resulted in the WHO Global Strategy which describes a strategy how WHO together with member states and international partners can change this rapid expansion of NCDs.

2. One of the international partners is the Codex Alimentarius, particularly mentioned as a standard setting international organisation in the area of food and public health. At this moment the Codex Alimentarius Commission is in an evaluation process and the first outcome of the Joint FAO/WHO Evaluation of the Work of the Codex Alimentarius Commission in 2003 is to give higher priority to setting science based standards for food safety, nutrition-related issues and health. Resolution 56.23 of the World Health Assembly requests to strengthen the focus on health in the overall work of the Codex. To fulfil these aims it must be known how the Codex Alimentarius Commission and its Committees can support and complement the ‘Global strategy’ in the most effective way. This document must give the key to WHO’s position in Codex discussions related to the Global Strategy.

3. It contains an analysis of the issues discussed in the Strategy vis-à-vis the work of Codex (Health and nutrition, potential risk factors and information available to the consumer about diet and nutrition), a review of the current Codex activities relevant to the Strategy (Nutrition, standards and potential global risk factors and information to the consumer of the nutritional aspects of the food), recommendations how these issues can be highlighted in future and furthered through the work of Codex Alimentarius (Conclusions, Discussion and Recommendations) and Identification of areas that will require a clear WHO position to ensure that Codex work supports and complements the Strategy (Final remarks).
ANALYSIS OF THE ISSUUES DISCUSSED IN THE GLOBAL STRATEGY VIS Á VIS THE WORK OF CODEX
FAO/WHO Food Standards Programme, Codex Alimentarius vis-á-vis Nutrition and Diet

4. In the statutes of the Codex Alimentarius Commission (art 1 sub a) it is stated that the purpose of the FAO/WHO Food Standards Programme is to protect the health of the consumer and to ensure fair practices in the food trade. When this task has been completed an international Food Law ‘the Codex Alimentarius’ should be in place to be implemented in the Codex member states world-wide. It has not yet reached completion but there has been impressive progress. At this moment The Codex Alimentarius Commission consists of 165 member countries and accepted more than two hundred Codex Commodity Standards with quality criteria, several hundreds of other texts like Codex Standards, Codes of Practice, Maximum Residue Limits and Guidelines on topics such as food hygiene, food additives, labelling and presentation of food, pesticide residues, methods of analysis and sampling and contaminants. All these subjects are summed up in para 2 (Scope of the Codex Alimentarius) in the General Principles of the Codex Alimentarius.

5. Nutrition is not mentioned in that list but in 1964, in the second session of the Codex Alimentarius Commission, FAO and WHO were requested to study the possibility of the installation of a Working Party on Nutrition to advise the Codex Alimentarius Commission on nutritional problems. In 1965 their study concluded that such a Working Party was not feasible at that time. In cases of nutritional problems the Codex Alimentarius Commission and her Committees should direct the questions to the ‘Nutrition Division’ of FAO or the ‘Nutrition Unit’ of WHO.

6. This does not mean that the nutritional side was neglected but that emphasis was laid on the prevention of misleading and fraudulent practices in relation to the quality of the product and the related nutritional quality. Some examples: do meat products contain enough protein/meat and not too much fat? Or: do canned stone fruits packed in a heavy sirup contain enough sugars? However in the relevant Codex Standard it is also permitted to pack canned stone fruits in water or fruit juice when the consumer wants to choose a product with less energy content. Another example regards dairy products: do standardised dairy products contain enough milkingredients? The consumer can also choose skimmed milk products as defined in the Codex Standards when products with less fat content are preferred. In relation to margarine and minarine the relevant Codex Standards do allow for the addition of vitamin A, D and E and other vitamins as permitted by the national legislation.

7. From 1980 the importance attached to nutrition has grown and when the new Codex Committees on Cereals Pulses and Legumes and on Vegetable Proteins were installed, nutritional advise was needed. Subjects of discussions were the enriching of cereal products and the protein quality of the vegetable protein products. In 1981, in the 14th Session of the Codex Alimentarius Commission it was decided to establish a Codex consultative body related to nutrition. The option of broadening the terms of reference of the Codex Committee on Foods for Special Dietary Uses for this purpose was considered. The proposal was the installation of a permanent ‘Working Party on
Nutrition’ within the Codex Committee on Foods for Special Dietary Uses (CCFSDU).

8. In 1983 the terms of reference of the CCFSDU were broadened as proposed but it took until 1987 for the name of the committee to be changed to the Codex Committee on Nutrition and Foods for Special Dietary Uses. The terms of reference are now as follows: (a) to study specific nutritional problems assigned to it by the Commission and advise the Commission on general nutrition issues; (b) to draft general provisions, as appropriate, concerning the nutritional aspects for all foods; (c) to develop standards, guidelines or related texts for foods for special dietary uses, in cooperation with other committees where necessary; (d) to consider, amend if necessary, and endorse provisions on nutritional aspects proposed for inclusion in Codex standards, guidelines and related texts. A permanent ‘Working Party on Nutrition” was not established because CCFSDU was used to working with ad-hoc working groups during the session of the committee and this procedure was considered to be effective.

9. In 1983 the Codex Alimentarius Commission decided that the CCFSDU must continue the work on ‘Guidelines for Use by Codex Committees on the Inclusion of Provisions on Nutrition Quality in Food Standard and other Codex Texts’. In 1987 these Guidelines were accepted by the CAC at step 8. In the same Commission session the ‘General Principles for the Addition of Essential Nutrients to Foods” were adopted.

10. In the early nineties (19989 until 1995) the CCNFSDU discussed the question to give the subject ‘Nutrition’ a more prominent place in the Codex work. Then the suggestion was formed to rename the CCNFSDU to the Codex Committee on Nutrition and Food Composition. However these efforts were not successful.

The Codex Alimentarius and nutritional risk factors important for the prevention of non communicable diseases (NCDs)

11. The Codex Alimentarius Commission has accepted more than 200 commodity standards in which the name of the food and the composition of it are laid down. By laying down these standards the identity of those foods is well recognised on a worldwide basis. An analysis is made of the possibilities of the Codex Alimentarius Commission developing new Standards or amending existing Standards taking into account the risk factors responsible for the development of NCDs.

12. The recent report of the ‘Joint FAO/WHO Expert Consultation on Diet, Nutrition and the Prevention of Chronic Diseases’ describes the risk factors related to nutrition which are important to prevent the further expansion of the NCD epidemic. The question is how these risk factors should be taken into account when considering the requirements in commodity standards to allow for foods that fit better into a healthy diet.

13. It concerns in particular the following unhealthy eating habits:

- A higher energy intake than necessary for normal physical activity, which results in overweight and obesity and consequently increases the risk of suffering from a NCD (to eat too much food with high energy density and poor micronutrients content, to drink too much liquids sweetened with nutritive sweeteners).
• To consume too much fat with saturated fatty acids or trans fatty acids which makes it more likely to suffer from a CHD or CVD.

• The use of too much sodium chloride can contribute to high blood pressure which makes it more likely to suffer from CVD or strokes.

There are also eating habits which bring benefits:

• The consumption of dietary fibre, fruits and vegetables, whole meal products and pulses does lower the risk of suffering from NCDs

• The consumption of fatty fish, at least once a week, gives protection against CHD and CVD

**Analysis of Codex commodity standards in relation to potential risk factors**

14. Energy, fats, sugars and sodium chloride are the potential risk factors which can influence a healthy diet. As energy is not a value which is written down in any Codex Commodity Standard energy is not taken into account in this analysis. But since it is an important risk factor it will be considered in the recommendations section.

15. Some Codex Commodity Standards are not taken into account because the three potential risk factors fat, sugars and sodium chloride are not relevant. These are the Codex Standards developed by the Committee on Cereals, Pulses and Legumes and by the Codex Committee on Fresh Fruits and Vegetables. Also the standards of the Codex Committee on Sugars are left out. The Codex Sugars Standard consists of quality criteria only for sugars which they have to fulfil if traded or used as ingredients in other food products.

16. The analysis is presented in Annex I.

**Dietary fibre and fish**

17. Attention must be paid to the questions ‘if’ and ‘how’, Codex can contribute to the encouragement of a healthy diet. Codex can enlarge the choice for the consumer by elaboration of standards for foods that are more suitable in a healthy diet with more dietary fibre and fish. In particular the Codex Committee on Fresh Fruits and Vegetables and the Codex Committee on Cereals, Pulses and Legumes developed standards for products rich in dietary fibre. Also several Codex Standards for canned and quick frozen fish and fishery products are elaborated.

**INFORMATION TO THE CONSUMER OF THE NUTRITIONAL ASPECTS OF THE FOOD**

The Codex Alimentarius and the information available to the consumer about diet and nutrition in the form of labelling, presentation and advertising

18. In the Codex Alimentarius organisation the Codex Committee on Food Labelling (CCFL) is responsible for the Standards and Guidelines regarding the information
provided to the consumer. The terms of reference of this committee are the following: (a) to draft provisions on labelling applicable to all foods; (b) to consider, amend if necessary, and endorse draft specific provisions on labelling prepared by the Codex Committees drafting standards, codes of practice and guidelines; (c) to study specific labelling problems assigned to it by the Commission; (d) to study problems associated with the advertisement of food with particular reference to claims and misleading descriptions.

19. All information to the consumer about food, including the information about nutrition is included in these terms of reference. The CCFL has developed the following guidelines regarding nutrition: Codex General Guidelines on Claims (1979 amended in 1991), Codex Guidelines (1985, amended in 1993 and in 2003) and Codex Guidelines for Use of Nutrition Claims (1997, amended in 2001). ANNEX II provides the details on these guidelines.

20. At present the CCFL is elaborating Guidelines for the Use of Nutrition and Health Claims (being proposed to the CAC for adoption at step 8). This proposal has been sent back by the CAC to the CCFL. Following the discussion in the CAC the CCFL will focus on the important question of whether the scope of these guidelines can also include advertising. The Codex Alimentarius Commission itself can accept guidelines related to advertisement as already sorted out by the juridical advisors of FAO and WHO. Examples are the General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses (Codex Stan 146-1985) and the Codex Standard for the Labelling of Claims for Foods for Special Medical Purposes (Codex Stan 180-1991). In these Codex Standards developed by the CCNFSFU reference is made to advertising under the heading ‘General Principals’. This is most explicit in the Standard regarding Special Medical Purposes: (General Principles: The formulation of foods for special medical purposes should be based on sound medical and nutritional principles. Their use should have been demonstrated, by scientific evidence, to be safe and beneficial in meeting the nutritional requirements of the persons for whom they are intended. The labels, accompanying leaflets and/or other labelling and advertising of all types of foods for special medical purposes should provide sufficient information on the nature and purpose of the food as well as detailed instructions and precautions for their use. The advertising of these products to the general public should be prohibited The format of the information given should be appropriate for the person for whom it is intended.)

Code of Ethics
21. The Code of Ethics for International Trade in Food was accepted in 1979 and amended in 1985 by the Codex Alimentarius Commission. Under the heading 5.10 of this Code which is named Nutritional aspects concerning in particular vulnerable groups and regions where malnutrition exists the following lines are included: (a) No claims in any form should be made about food – particularly processed food – with minimal nutritive value which implies that the food can make a valuable (significant) contribution to the diet. (b) Information concerning the nutritional value should not mislead the public.
Health, Nutrition and Diet

22. The CCNFSDU is still advising on Codex texts related to nutrition developed by the Codex Committee on Food Labelling. The programme of the CCNFSDU consists of the following general nutrition subjects: The Guidelines for Vitamin and Mineral Supplements (now at step 5 of the procedure), addition of the Table of Conditions for Nutrient Contents (Part B) in the Guidelines for the Use of Nutrition Claims with Dietary Fibre (step 6), Recommendations on the Scientific Basis of Health Claims (step 2). At its next session it will consider the outcome of the FAO Technical Workshop on Energy Conversion Factors and a paper on the definitions of trans fatty acids.

23. The CCNFSDU is required to devote much time for discussions on some principle issues related to standards for foods for special dietary uses that are being elaborated in the Committee.

Evaluation of the analysis of Codex Product Standards and the nutritional risk factors (fat, sugars and sodium chloride). (ANNEX I)

Fat content

24. In general the consumer can choose between products with a varied ‘fat content’ (milk, partly skimmed milk or skimmed milk products and margarine or minarine). The consumers attention is drawn to these differences by the name of the food and/or the mention of the ‘fat content’ on the label. In the case of meat products the ‘fat content’ is limited and the ‘minimum meat content’ or the ‘minimum meat protein content’ on the fat free product is laid down.

Within the framework of the Global Strategy it is desirable to lower the energy content of the food products. To reach that objective it is advisable to maximize the fat content in Codex Product Standards

Fatty Acid Composition

25. The fatty acid composition can only be changed when the end product is a mixture of different ingredients with a different fatty acid composition. Examples are margarine and minarine. Another example is fish packed in vegetable oil where some mingling takes place. When it is not permitted to mix different fat containing ingredients the fatty acid composition cannot be changed. The Codex Committee on Milk and Milk Products is developing new standards for mixtures of skimmed milk (products) and vegetable fat. These draft Standards are already in step 5 of the Codex procedure.

Within the frame work of the Global Strategy a more healthy fatty acid composition is desirable. Therefore it should be encouraged to draft Codex Product Standards that permit the substitution of animal fat by vegetable fats and oils.

Content of Sugars

26. In the case of canned fruits the consumer can choose between products with more or less sugar in the packing medium. In the case of jams, jellies, marmelade, applesauce and fruit juices the ‘minimum’ content of sugars (soluble solids) is laid down in the Codex Standards. The Codex Standards regarding nectars lay down the ‘maximum’ content of sugars (soluble solids).
Within the framework of the Global Strategy it is desirable to lower the energy content of food products. From that perspective Codex Commodity Standards should not lay down a ‘minimum’ content of sugars.

Sweetener composition (nutritive and non-nutritive sweeteners)

27. In general when sugars are mentioned in Codex Commodity Standards only nutritive carbohydrate sweetener are permitted. The most important accepted sugars are sugar, dextrose, (dried) glucose sirup, fructose and lactose. Non-nutritive sweeteners are permitted as an optional ingredient only in the following three Codex Standards. The Codex Standard for Cocoa Powders (cocoa) and Dry Mixtures of Cocoa Powders (cocoa) and Sugars, the Codex Standard for Chocolat and Chocolate Products and the Codex Standard for Fermented Milks. In other Codex Commodity Standards non-nutritive sweeteners are not allowed. In the Codex Standard for Jams and Jellies and the Codex Standard for Citrus Marmelade it mentions that products sweetened with non-nutritive sweeteners are falling outside their scope. That means that products with the name of the food as laid down in these Standards may not be sweetened with non-nutritive sweeteners. National authorities may permit products which look alike jams, jellies and marmelade with non-nutritive sweeteners when properly labelled.

The criteria for purity and quality of the non-nutritive sweeteners are developed by the Codex Committee for Food Additives and Contaminants and accepted by the Codex Alimentarius Commission. The use of these non-nutritive sweeteners causes no problems for food safety in so far as the conditions for use and for the labelling of the endproducts are adhered to.

Within the framework of the Global Strategy it is desirable to lower the energy content of food products. From that point of view it is advisable that Codex Commodity Standards permit the substitution of sugars by non-nutritive sweeteners.

Sodium Chloride

28. Sodium Chloride is added to food products for preservation and taste. In the case of preservation the use of salt as an ingredient is obligatory. In general there is no limitation for its use in the Codex Commodity Standards. Only in the Codex Standard for Bouillons and Consommés and the Codex Standard for Fungi and Fungus Products is there a maximum limit for sodium chloride.

Within the framework of the Global Strategy the consumption of sodium chloride should be decreased.

To reach that objective Codex Commodity Standards should more frequently maximize the sodium chloride content.

INFORMATION TO THE CONSUMER OF THE NUTRITIONAL ASPECTS OF THE FOOD

Evaluation of the guidelines on claims, nutrition labelling and nutrition and health claims

(see ANNEX II)

29. In 1979 the Codex Alimentarius Commission developed Codex Guidelines on Claims to discourage misleading the consumer. Also the paragraph on nutrition in the Code of Ethics for the International Trade in Foods was included at that time.
30. The Codex Guidelines on Nutrition Labelling (1985) and the Codex Guidelines on Nutrition Claims (1997) are of a later date but are being adapted due to scientific developments (e.g. trans fatty acids, functional foods and health claims).

31. In 2003 the Codex Alimentarius Commission did amend Codex Guidelines on Nutritional Labelling to provide for the possibility of labelling the trans fatty acid content when required by national legislation.

32. With regard to nutrition claims the Table for nutrient content is under discussion for dietary fibre. The draft Guidelines for Use of Nutrition and Health Claims were discussed in 2003 in the Codex Alimentarius Commission at step 8 of the Codex Procedure but sent back to the Codex Committee on Food Labelling for further deliberations. No consensus was reached on the broadening of the scope with advertising and the acceptability of health claims in general.

33. Along these lines evidence is given that the Codex Alimentarius Commission can develop standards and other documents related to the information to the consumer on nutritional matters. The scope of the terms of reference of the Codex Committee on Food Labelling is clear with regard to the contribution which labelling and presentation of foods informing the consumer about nutritional aspects, can make. However their scope seems to be restricted or unclear with regard to advertisements. This can be an obstacle for an effective support of Codex towards the “Global Strategy”.

Conclusions

34. The Codex Alimentarius Commission can effectively contribute to the implementation of the WHO Global Strategy on Diet, Physical Activity and Health. Through the key position of the Codex Alimentarius Commission as an international governmental organisation in the field of the global food legislation all stakeholders are involved. Not only the member countries of Codex but also the international organisations representing consumers, food industry, retail sale and sometimes patient organisations, participate in the meetings of the Codex bodies as observers. An analysis of Codex vis-à-vis the Global Strategy show that Codex can support the Global Strategy by improvement of the nutrition information to the consumer and by adjusting commodity standards. In the recommendations there are other important initiatives which Codex can take. The most effective implementation of the WHO Global Strategy is a concentrated, focused effort exclusively on nutritional aspects and therefore the preferred way is to establish a new Task Force for Nutrition and Good Nutrition Practice with clear terms of reference to be realised in a short period of e.g. 3 years. This point is further elaborated in the discussion and recommendations section for the structure of the organisation of the Codex Work

35. In elaborating Codex Commodity Standards the Codex Alimentarius Commission can ensure that the quality criteria of products fall in line with the recommendations of the Global Strategy on the different dietary risk factors. Commodity standards could provide a more flexible approach for the fatty acid composition. In the field of energy intake the Codex Alimentarius Commission can, by elaborating Codex Commodity Standards stimulate the reduction of the energy intake by inserting more frequently maximum levels for added fats/oils and added sugars and by permitting the use of non-nutritive sweeteners. Also the sodium chloride content should be more frequently maximized. This approach needs study by the Commodity Committees to assure that
these limits will be established on science based evidence as stated in the SPS agreement of the WTO.
This point is further elaborated in the discussion and recommendations section for the product composition

36. The most substantial contribution of the Codex Alimentarius Commission to the implementation for the Global Strategy is in the field of the information to the consumer. For an effective implementation of the Global Strategy it is of crucial importance that Codex Guidelines should also address the areas advertising and promotion.
These rules and guidelines must be brought in line with the WHO Global Strategy on Diet, Physical Activity and Health to enable the consumer to make prudent choices, to make the healthy choice the easy choice and to prevent misleading, incorrect or suggestive information through labelling, presentation and advertising and to prevent the promotion of food which is not in accordance with international nutrition advice.
In the discussion and recommendations section this aspect is further elaborated for labelling and presentation as well with regard to information to the consumer beyond labelling and presentation (i.e. advertising and promotion).

DISCUSSION

The Structure of the Organisation of the Codex Work:

37. At various moments Codex has acknowledged the importance of nutrition in its work. However it has not yet considered it opportune to effectively start work in this field.
To act especially in the field of nutrition in order to prevent the world-wide increase of NCDs is now very urgent. At this moment the need for action by Codex on this topic cannot be denied.

38. To start effective work in the field of nutrition it is advisable to create a separate structure.

Recommendation nr. 1
It is recommended that a separate Codex Task Force for Nutrition and Good Nutrition Practices should be established

39. A separate Codex Task Force for Nutrition and Good Nutrition Practices is desirable for the following reasons:
- the urgent need to initiate a number of activities in the field of nutrition in order to support in an effective way the implementation of the Global Strategy;
- there is a need for initiatives and work focussed on nutrition to be carried out by delegates charged with these specific nutritional tasks;
- the subject is horizontal and there is a need to endorse the work done by other Codex committees to implement the Global Strategy;
- the CCNFSDU already has a full agenda and might not wish to incorporate this additional task.

Recommendation nr. 2
The Terms of Reference of such a Task Force could be as follows:
(a) to study specific nutritional problems assigned to it by the Commission and
advise the Commission on general nutrition issues;
(b) to draft general or specific provisions, as appropriate, concerning the
nutritional aspects for all foods;
(c) to consider, amend if necessary, and endorse provisions on nutritional aspects
proposed for inclusion in Codex standards, guidelines and related texts;
(d) to draft codes of practice related to promotion and marketing or catering of
food; promotion and marketing being understood in this context to relate only to
the information to the consumer which goes beyond labelling and presentation
(excluding the commercial aspects of it).

_The Task Force should be limited in time, e.g. a period of 3 years seems to be
appropriate._

_The Task Force might need scientific advise for some of its proposed activities._

_The Task Force should particularly study and make recommendations on the
following subjects:_

**Product composition.**

40. Product composition has shown in the past to be an important tool for the
improvement of the diet. Particularly skimmed and half skimmed products, diet
margarine’s and diet soft drinks has been recognised by the consumer as products with
a favourable nutrition profile. It is important for the implementation of the Global
Strategy that the food industry, retail sector and catering continues to develop food
with a favourable nutrition profile. Codex should provide clear guidance to
stakeholders on the selected nutritional risk factors. This guidance can be provided in
the form of a Guidance List. Such a Guidance List is important for stakeholders as a
reference particularly for non standardised products, like non alcoholic drinks, bakery
and confectionery products, snacks and ready-to-eat products. This Guidance List is
also to be implemented by Codex Commodity Committees for the adaptation of
commodity standards to allow for nutrition relevant products. Relevant committees are
the Codex Committee on Milk and Milk Products, Processed Fruit and Vegetables,
Processed Meat and Poultry Products.

**Recommendation nr. 3**
Codex should develop a Guidance List for the food industry, retail sector, catering
and other suppliers of food, for use in the development of food with a favourable
nutrition profile.

**Recommendation nr. 4**
Codex Commodity Standards should be adapted as to allow for foods with a positive
nutrition profile.

This list should be based on sound scientific evidence, which is provided in the report
of the Joint WHO/FAO Expert Consultation on Diet, Nutrition and Prevention of
Chronic Diseases. Based on present nutrition evidence the List should at least include
the following action points:
- Regarding the nutrition profile of food. Development of products with a favourable nutrition profile; a favourable nutrition profile is e.g. a combination of a low energy density and high nutrient density;
- Regarding energy: Development of food with a low energy density is recommended;
- Regarding fats:
  -- Where possible saturated fats should be replaced by unsaturated fats
  -- Foods should have a trans fatty acid content below 1 %, while at the same time the saturated fatty acid content of the product should not increase;
- Regarding sugar(s): Development of (sweet) foods with a low sugar(s) content is recommended;
- Regarding sodium chloride: Where possible the sodium chloride content should be maximized
Each Codex Commodity Committee should make a time schedule and report to the Commission on the progress of the development.

**Information to the consumer through labelling.**

41. Nutrition labelling.
At present many countries and also codex have legislation or guidelines in place which require specific nutrition information often to be provided in a specific format. This information can be rather detailed, including a presentation of all macro- and micro-nutrients and in all different forms. This information is not easy to understand and (not) appreciated by the consumer. It could be helpful to restrict the nutrition information explicitly to the nutritional risk factors as indicated in the Global Strategy. It could also be very helpful for the consumer to present this information in perspective, e.g. in relation to the daily need, easily understood by the consumer.

**Recommendation nr. 5**
Codex should develop a system of nutrition labelling which is more effective and easily understood by the consumer. The label should provide only the key important nutrition information but in a clearly visible and focused way and presented in perspective so that the consumer can understand its contribution in the diet.

This system should include the following facts:
- Label energy content in relation to the daily amount of energy required and/or in relation with the energy balance; e.g. a system could be developed to relate the energy content to the energy content of a regular portion and to relate the energy content of a regular portion to a basic daily energy need. In addition it could be indicated that the energy need depends on the lifestyle.
- Label fat content in perspective of its meaning and in a more understandable way.
A more understandable way could be e.g. a distinction like: total, soft, semi-hard and hard fats;
An indication in perspective could e.g. be per portion and in a visual (pictorial) way. Only in products with fat;
- Label sugar content in perspective, like a system as explained under 1.2; Only for products with sugar;
- Label dietary fibre in perspective;

The total of information should be presented in a one-piece format providing "nutrition facts". This part should have a mandatory character and should be placed in a prominent place on the label. Other nutrition information should be kept to a minimum, may be optional so as not to distract attention from the key important information.

Guidelines for nutrition and health claims
At present Guidelines for Nutrition and Health claims are being elaborated by the CCFL. The purpose of these guidelines is the proper use of these claims on the label of foods. Claims should only be used if there is appropriate scientific evidence and if they are well understood by the consumer. The text under discussion is well drafted to realise this purpose. However the text can even be improved in view of supporting the Global Strategy on 2 points. From the point of view of the Global Strategy it is important to create an environment that is not encouraging an unbalanced diet. Foods with a nutrition or health claim will be better understood by the consumer if these claims are allowed only for food with a positive nutrition profile. E.g. a sweet with calcium with a nutrition or health claim could be easily understood by the consumer as a healthy food fitting well in a balanced diet. But the product is still a sweet and does not contribute to a balanced diet. So although there is nothing wrong with a calcium enriched sweet, it should not be misunderstood and not carry a nutrition or health claim.

For a proper understanding by the consumer of the product with a nutrition or health claim the guidelines for nutrition and health claims should not only be applied to the label and the presentation but also to the advertising of the food.

With these two additions the Guidelines for Nutrition and Health claims will be more supportive for the Global Strategy.

Recommendation nr. 6
The Guidelines for Nutrition and Health Claims should not only deal with the labelling and presentation but also with the advertising of foods;

Recommendation nr. 7
Nutrition and health claims should only be allowed for foods with a positive nutrition profile;

41. Children, especially young children will not (be able) to read and understood a label. More-over in general they will not need special (healthy made) products, but they need a normal balanced diet. Therefore it can be confusing for children but also for their parents if products targeted for children bear a nutrition and health claim. Therefore the Global Strategy is best supported in an environment which is sheltered from nutrition and health claims. However it is recognised that there might be exceptions.
Recommendation nr. 8
Nutrition and health claims should, in principle, not be allowed for foods targeted for infants, and children, unless special provision is made in a codex text. Codex should be given some time to elaborate these exceptions;

These recommendations (5, 6, 7 and 8) can be elaborated by the Codex Committee on Food Labelling.

Information to the consumer beyond labelling and presentation.

42. NCDs develop during a persons life. It is very important that the prevention of NCDs start as early as possible. Children’s diets in different parts of the world have become more unhealthy. Therefore it is crucial that children and especially young children are not in any way stimulated to consume foods with a low nutrition profile. Schools are one of the most important places of a child’s environment. Therefore schools should refrain from:
- any specific promotion of foods with a low nutrition profile;
Moreover quality criteria should be developed for stocking in school vending machines.
Example: Soft drink vending machines should offer a whole assortment of drinks, including at least: fruit juices, mineral water, and light soft drinks; the same applies to the supply of sweets, candy’s and snacks; so that children can make a prudent choice.

Recommendation nr. 9
Codex should develop a Code of Practice for the promotion of foods in schools.

43. Several investigations have shown that the (unfavourable) food choice of children is being influenced by commercials in the media; the most pushing are commercials on television; This is a very crucial point. The Global Strategy can be very much supported if children are prevented from commercials during children programs on television; but also for other media, like children’s magazines a code of conduct is desirable. Therefore a Code of Practice for the presentation and promotion of foods targeted for children is needed. Such a code should at least include:
- Food and drink commercials around and during children’s television programmes should be limited or abandoned;
- Celebrities or peers from sports, media, entertainment etc. should not be involved in the promotion of volume pushing of products with a low nutrition profile.
- Specific promotion activities, like handing out products with a low nutrition profile, as presents or prices for children in supermarkets, catering or schools should be abandoned;

Recommendation nr. 10
Codex should develop a Code of Practice for the presentation of foods targeted for children up to 12 years.
44. Retail sales, retail promotion, availability of products in the retail play an important part in the consumption pattern of consumers; It is therefore needed that also the retail sector co-operates in the Global Strategy. The retail sector should develop a Code of Practice which takes into account the following aspects:
   - the availability of the important nutrition information on products in an easy understood manner;
   - retail should refrain from the promotion of food with a low nutrition profile in advertisements targeted at children;
   - portion sizes should be appropriate and not encourage excessive consumption;

Recommendation nr. 11
Codex should develop a Code of Practice for Good Nutrition Practice in Retail

45. Also the catering sector and particularly the fast food and the sector especially concerned with children can play an important role in supporting the Global Strategy. The catering sector could also develop a Code of practice. Items to be included are:
   - the use of fats low in trans fatty acids and saturated fatty acids for frying purposes;
   - the identification of energy and fat content of products in fast food restaurants;
   - the presence of healthy alternatives, sufficient salads, unsweetened soft drinks, fruit juices and mineral water especially in fast food restaurants or canteens at the work place;
   - the availability of educational material in fast food restaurants;

Recommendation nr. 11
Codex should develop a Code of Practice for Good Nutrition in Catering

Recommendation nr 12
Food and beverage advertisements and promotion should not undermine the promotion of healthy, balanced diets and of national dietary guidelines.

Recommendation nr. 13
Food and beverage advertisements and promotion should not undermine the promotion of a healthy, active lifestyle;

46. The items presented above to be included in the different proposed codes of practice should be seen as examples. It should be a task for the proposed Task Force on Nutrition and Good Nutrition Practices to elaborate these codes in detail.

Final Remarks
47. The analysis, conclusions and recommendations presented in this document describe what activities could be taken up by Codex to support the Global Strategy on the prevention of NCDs. However much depends on the judgement of the CAC if these activities fall within the mandate of the Codex and its willingness to use its possibilities to embark on activities which might be considered different from "traditional" work in the field of commodity standardisation.

Is Codex sufficiently equipped to implement all the recommendations? An attempt to answer this question is presented below.

Codex Statutes
The Codex Alimentarius is established by the two parent organisations, the FAO and the WHO. The scope of the mandate of the Codex Alimentarius is laid down in the Statutes of the Codex Alimentarius Commission. The responsibilities as defined in article 1 of the statutes are formulated in broad terms. Therefore the statutes do not form an obstacle for the CAC to embark on the work as proposed in the recommendations.

Nutrition
The scope of the Codex Alimentarius is further defined in the General Principles of the Codex Alimentarius and especially in section 2. The provisions mentioned in this section like "food hygiene, food additives etc. " do not include nutrition. However the provisions mentioned are examples and nutrition is certainly not excluded. Moreover in this document it has been clarified that CAC has recognised the importance of nutrition and its role in promoting healthy nutrition practice. In fact nutrition is included in the name of one of the codex committees: the CCNFSDU.

Does it fit in the Food Standards Programme?
One could question if the type of work as proposed in the recommendations fall within the normal work of the Food Standards Programme. The last sentence of section 2 of the General Principles explains that provisions in codex standards can be "in the form of codes of practice, guidelines or other recommended measures". Therefore there seems to be no obstacle for Codex to embark on the type of work proposed in the recommendations.

One could also question if the scope of the proposed activities, like advertisement or promotion at schools, fit within the normal codex work
The analysis has shown that the CAC has approved texts with a scope that includes advertisement (esp. with regard to products for specific medical purposes). It has also approved texts that are directed to stakeholders (e.g. codes of practice for the production, handling and transport of foods concerning certain contaminants, such as aflatoxins).
It has also approved texts which are targeted at very local circumstances, like good hygienic practice for street vendors.

Why Codex?
Another question is what the best way is to make progress on the recommendations and if codex is the most suitable international body to carry out these activities. Another option e.g. would be that a number or most of the recommendations be implemented by WHO herself.
Codex is established to promote the coordination of all food standards work. The character of the recommendations regarding product composition, labelling but also other information to the consumer besides labelling like advertisement and promotion of food have an international dimension; many food producers work international, many promotion campaigns are international, even food promotion campaigns in schools might have an international dimension. If the implementation of the recommendations is taken up national and not international differences may develop between the nutritional risk factors involved, between the measures needed, about the guidance to be provided by the stakeholders etc. These differences might easily result in a disturbance of the international trade. More-over the prevention of NCDs is a world-wide challenge, which would be very much supported by international initiatives. Implementing the recommendations as outlined in this document by the CAC would provide international synergy, would involve all member states and stakeholders and therefore provide wide international support. A disadvantage can be that the process might be a time consuming operation. Especially since codex, for good reasons, require codex texts to be adopted by consensus. Implementation by a Task Force however might speed up the process.

Of course WHO can undertake the work also by herself. WHO has done so with the elaboration of the International Code for Marketing of Breast-milk Substitutes. But since Codex has already a good working infrastructure for food standardisation and since it is desirable to obtain a good (voluntary) co-operation with member governments and stakeholders it seems that implementation of the recommendations by the CAC is the preferred way of handling.

In conclusion: The statutes of the Codex Alimentarius Commission do not form an obstacle for the implementation of the proposed recommendations; the type of activities recommended fit very well in the food standards programme as described in the Codex manual and it would be very beneficial for the implementation of the recommendations if carried out by the CAC. It would create the necessary international synergy and support.

The conclusion in this document is therefore that the Codex mandate does provide the basis to undertake the activities included in the recommendations.
ANNEX II


General guidelines on claims.

These guidelines consist of a Scope and General Principle, a Definition of a claim, a summing up of prohibited claims and of potentially misleading claims. At the end there is a list of conditional claims.
These guidelines are applicable to all foods. Claims must be justifiable. Claims should not be false, misleading or deceptive, or create an erroneous impression regarding the character of the food in any respect.
A claim means any representation which states suggests or implies that a food has particular characteristics relating to its origin, nutritional properties, nature, processing, composition or any other quality.
Examples of prohibited claims are: claims stating that any given food will provide an adequate source of all essential nutrients when there is no Codex Standard or appropriate authority that regulates such a claim; claims implying that a balanced diet or ordinary foods
cannot supply adequate amounts of all nutrients; claims which cannot be substantiated; claims suggesting that any given food is suitable for the prevention, alleviation, treatment or cure of a disease, disorder, or particular physiological condition without following the provisions of a Codex Standard, Codex Guideline or the law of a country where the food is distributed. Potentially misleading claims are claims which are meaningless or claims about good hygienic practice.

Examples of conditional claims are claims that are only allowed under specific conditions: An indication that a food has obtained a special nutritive value by means of the addition of nutrients may be given only if such an addition has been made according to the Codex General Principles for the Addition of Essential Nutrients to Foods and has been permitted by the national authorities; an indication that a food has special nutritional qualities by the reduction or omission of a nutrient should be on the basis of nutritional considerations and subject to legislation by the appropriate authorities; claims which highlight the absence or non-addition of one or more nutrients should be regarded as nutritional claims and a nutrient declaration in accordance with the Codex Guidelines on Nutrition Labelling should be mandatory.

**Guidelines on Nutrition Labelling**

The purpose of these Guidelines is:
- to give information to the consumer to facilitate a wise choice of food;
- to develop a recognized and standardized means for conveying information about the nutrient content of a food on the label;
- to encourage the use of sound nutrition principles in the formulation of foods which would benefit public health;
- to make it possible to include supplementary nutrition information on the label;
- to make sure that no false, misleading, or insignificant information about nutrients is given on the label; and that when a nutritional claim is made for a food, nutritional labelling is mandatory, for all other foods it is voluntary.

Nutritional labelling is a system of dealing with nutrient declaration and with supplementary nutrition information. Nutritional Labelling gives objective information that does not imply that a food with such labelling has better nutritional properties than food without such labelling.

Nutritional declaration means a standardized statement or listing of the nutrient content of a food. It consists of energy value and amounts of protein, available carbohydrate and fat. When claims are made about the type of carbohydrate, the amount of total sugars should also be listed. Declaration of the amount of saturated fatty acids and of polyunsaturated fatty acids is mandatory when a claim regarding the amount and/or type of fatty acids or cholesterol is made. After the amendment in 2003, listing of the amount of trans fatty acids may also be required according to national legislation.

Vitamins and minerals may be listed when recommended intakes have been established and they are present in significant amounts (i.e. not less than 5% of the Nutrient Reference Value).

The NRVs have been laid down in the Guidelines.
Guidelines for Use of Nutrition Claims

Because nutrition is a national responsibility it is stated that nutrition claims should always be consistent with national nutrition policy and support that policy.

These guidelines relate only to the use of nutrition claims in food labelling.

Definitions are developed for nutrition claims which are divided in nutrient content claim, comparative claim, and a nutrient function claim. Nutrition claims are only permitted where they relate to energy, protein, carbohydrate, fat and components thereof, fibre, sodium, and vitamins and minerals for which Nutrient Reference Values (NRV’s) have been laid down in the Codex Guidelines for Nutritional Labelling. A table of nutrient content claims and the conditions which have to be fulfilled is inserted in the Guidelines.

A place is reserved for claims related to dietary guidelines or healthy diets and the conditions under which they should be permitted. Claims related to the pattern of eating contained in dietary guidelines have to be officially recognized by the appropriate national authority. Claims related to a ‘healthy diet’ are considered to be claims about the pattern of eating contained in dietary guidelines and should be consistent with these guidelines.

Foods which are described as a part of a healthy diet, healthy balance etc should not be based on selective consideration of one or more aspects of the food; they should satisfy certain minimum criteria for other major nutrients related to dietary guidelines.

When a nutrition claim is made there should always be a nutrient declaration in accordance with the Codex Guidelines on Nutrition Labelling.

Draft Guidelines for Use of Nutrition and Health Claims

These draft guidelines which have been discussed already in the Codex Alimentarius Commission at step 8 of the Codex Procedure are intended to replace the Guidelines for Use of Nutrition Claims. The difference being that the scope is broadened to make it possible to include health claims as well, not only in the field of food labelling but also in advertising. A new addition is that nutrition and health claims shall not be permitted for foods for infants and young children except where specifically provided for in relevant Codex standards or national legislation.

New definitions are inserted or arranged in another way. Nutrition claims are now divided in nutrient content claims and in nutrient comparative claims. Health claims are divided in nutrient function claims, other function claims and reduction of disease risk claims. Health claims must be based on current relevant scientific substantiation. The Codex Committee on Nutrition and Foods for Special Dietary Uses is asked to develop the Scientific Criteria for Health Related Claims. The health claim must consist of information on the physiological role of the nutrient or on an accepted diet-health relationship and of information about the relevant composition of the product. Products bearing health claims must also bear appropriate information for the consumer for the safe use of the product.

Any health claim must be accepted by the competent authority and a regulatory framework for qualifying or disqualifying conditions should be developed for each health claim. The health claim should not be made if it encourages excessive consumption of any food or disparages good dietary practice.

Products bearing health claims must also have a nutrient declaration in accordance with the Codex Guidelines on Nutrition Labelling.
The provisions for claims related to dietary guidelines or healthy diets are unchanged.