

E-commerce EWG Consultation Request 2023

Dear EWG members,

The chair and co-chairs thank you for your registration and are delighted to welcome you to the EWG for the Proposed Draft Guidelines on the Provision of Food Information for Prepackaged Foods offered via E-commerce.

The following document presents a draft of the guidelines which:

- reflects the changes agreed upon during CCFL47,
- includes proposed wording for outstanding sections as agreed in the informal meeting of interested parties over the lunch break on 16 May 2023, to which many EWG members contributed, and
- suggested amendments made by the chair and co-chairs.

The sections in square brackets, which still require agreement, are highlighted in red. We would like to take this opportunity to remind members of the EWG that focus should be placed on the text in brackets when suggesting amendments to the draft text.

We kindly welcome your comments on the draft as well as your answers to the questions at the end of the document.

Comments should be posted to the EWG forum by **26th January 2024**.

Thank you in advance, feel free to contact me with any queries, and we look forward to receiving your comments!

Alexa Newman

E-Commerce EWG Chair

alexa.newman@defra.gov.uk

codex@defra.gov.uk

- **START** -

PROPOSED DRAFT GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PRE-PACKAGED FOODS OFFERED VIA E-COMMERCE

1. PURPOSE

1.1 The purpose of these guidelines is to ensure consumers buying pre-packaged foods via e-commerce have the information needed to make informed choices, similar to the information they would find on the physical label of the food. *[It also aims to provide additional provisions that should be used specifically when food is offered for sale via e-commerce, as outlined in Section 5, to address the specific complexities of product information e-pages.]*

2. SCOPE

2.1 These guidelines apply to the food information required, or provided voluntarily, that is displayed on the product information e-page for pre-packaged foods offered for sale via e-commerce, and to certain aspects relating to the presentation thereof.

2.2 They do not apply to information that is required on the label of pre-packaged foods at the point of delivery as set out in the General Standard for Labelling of Pre-packaged Foods (CXS 1-1985).

3. DEFINITIONS

The following terms shall be used in conjunction with Section 2 of the General Standard for Labelling of Pre-packaged Foods (CXS 1-1985) for the purposes of applying this text.

“At the point of delivery” means the moment when consumers receive pre-packaged food.

“E-commerce” means the production, distribution, marketing, sale or delivery of goods and services by electronic means as applicable to foods.”

“Food information” means the information that is the subject of a Codex text about a pre-packaged food.

[“Durability” means the period during which the food retains its specific properties when properly stored.]

“Prior to the point of e-commerce sale” means provided before consumers commit to ordering and purchasing the food.

“Product information e-page” means the virtual space on any consumer-facing transactional electronic platform, which is intended to facilitate informed e-commerce sale.

4. GENERAL PRINCIPLES

The general principles in Section 3 of the General Standard for the Labelling of Pre-Packaged Foods (CXS 1- 1985) are applicable to food information shown on the product information e-page of the pre-packaged food that is being offered for sale.

5. FOOD INFORMATION PRINCIPLES

5.1 The food information required to be provided on the label of a pre-packaged food or in associated labelling, shall be provided on the product information e-page of the pre-packaged food prior to the point of e-commerce sale, except to the extent otherwise expressly provided in these guidelines, or any other Codex text.

This includes the following food information indicated in/by:

- Section 4 and Section 5 of the General Standard for the Labelling of Pre-Packaged Foods (CXS 1-1985) except information required by 4.6 and 4.7.1; [An indication of durability of prepacked food may be required or recommended to be provided.]
- Section 3 of the Guidelines on Nutrition Labelling (CXG 2-1985);
- Any other relevant Codex text.

5.2 A statement shall appear on the product information e-page prior to the point of e-commerce sale to direct the consumer to check the food information on the physical label before consumption.

[5.3 The labelling exemption of small units as outlined in Section 6 of the General Standard for Labelling of Pre-packaged Foods (CXS 1-1985) does not apply unless justified in specific situations or circumstances.]

[5.4 The information on the pre-packaged foods offered for sale in e-commerce shall be provided without any costs for the consumer.]

Commented [PC1]: As EFA stressed in a previous consultation, the provision of food information through e-pages is becoming a must for online retail in Europe, presumably to enable consumers make informed choices. One example is the use of ‘allergen filters’, through which consumers can have an easier navigation through available food options, depending on the 14 allergens that need to be labelled on the EU market.

However, how these filters are built currently is completely at the discretion of the retailer (e.g. only considering free-from claims or the ingredient list or including or not the voluntary labelling information etc).

It would be extremely useful if these Codex guidelines would provide basic principles on which these digital tools should be built on.

Commented [PC2]: It should be emphasised that consumers with food allergy need to be aware of allergens both as ingredients (already covered by the GSLPF as mandatory information) and in case of unintended allergen presence such as Precautionary Allergen Labelling (PAL), which is under voluntary information (as stipulated already by the EU in art.36 EU REG 1169/2011).

Commented [PC3]: EFA reiterates the need to include a “last reviewed date” in the e-page information, so that retailers are obliged to state the last time they reviewed they updated the allergen information, therefore ensuring that products are monitored often.

6. OPTIONAL FOOD INFORMATION PRIOR TO THE POINT OF E-COMMERCE SALE

Section 7 of the General Standard for Labelling of Pre-packaged Foods (CXs 1-1985) is applicable to food information shown to consumers on the product information e-page for the pre-packaged food that is being offered for sale.

7. PRESENTATION OF MANDATORY FOOD INFORMATION

7.1 Food information required by these guidelines shall be clear, prominent and readily legible by the consumer under normal settings and conditions of use for a product information e-page.

7.2 The language or languages on a product information e-page shall be suitable to the consumer in the country in which the food is marketed and to which it may be delivered.

Commented [PC4]: Information should be presented in lay language and terminology in the language of the country where the food is marketed and to which it may be delivered.
(inspired by EU FIC Reg. 1169/2011)

Explanation of Changes

1. No changes have been made to the purpose section of the text given the inclusion of durability within the text. The second part has been retained in brackets as agreed during the discussion at CCFL47.
2. The definition of 'minimum durability' has been removed from the text given that this phrase no longer features in the text. This has been replaced with the definition of 'durability' instead, in order to clarify further the 'indication of durability' found in section 5.1
3. Section 5.1 has been amended to include a revised sentence on 'indication of durability'. This current wording reflects the wording agreed at the informal meeting of interested parties which took place at CCFL47.
4. Section 5.3 has been amended to include a revised sentence on the exemption of small units. This current wording reflects the wording agreed at the informal meeting of interested parties which took place at CCFL47.
5. No changes have been made to the proposed section 5.4. This section was suggested at CCFL47 for inclusion in the text.

Questions

As well as providing any comments on the draft text above, we kindly ask that you also answer the following questions specific questions related to text in square brackets:

1. Whether the text in brackets under the 'Purpose' section is relevant or not? Please provide rationale in your response.
EFA agrees with the proposed wording for the guidelines' purpose.
2. Do you agree with the definition of 'durability' in place of 'minimum durability'? If no, please provide rationale for your answer including any alternative text proposals.
EFA agrees with the replacement of 'minimum durability' with 'durability'. The term 'durability' provides greater clarity as it corresponds to a specific time period compared to 'minimum durability', which is more fluid and might be confusing for consumers. However, we recommend that the definition become more descriptive i.e. 'Durability means the

period *between the arrival of the food product and the best-before date or expiry date*, during which the food retains its specific properties when properly stored'.

3. Do you agree with the wording of the 'indication of durability' in square brackets under section 5.1?
4. Do you agree with the wording of section 5.3 regarding the exemption of small units? EFA is glad to see that the labelling exemption of small units is removed in principle. The 'specific situations or circumstances' where an exemption might still be justified must be drawn out and communicated clearly to avoid a proliferation of such a practice.
5. Do you agree with the inclusion of section 5.4 regarding costs for the consumer? If no, please provide rationale for your answer including any alternative text proposals. As in the case of the use of technology to provide food information, EFA has stressed that this information should be provided without additional costs, requiring to download, subscribe or impose any other obligation to access that information for the consumer.