

For background information, please see CL 2024/54-FL

Codex Members and Observers are invited to submit general and specific comments on the Guidelines below.

Comments are invited in particular,

- i) on the proposed bracketed text in clause 5.1, considering:
 - a) the current proposed wording can gain a consensus (option A),
 - b) new wording to achieve the same aim can gain a consensus; in particular, to consider whether replacing the current bracketed text with the following text, which removes the term 'durability' and the need for a definition, will gain a consensus: *'It is encouraged that an indication of the minimum number of days the product will be delivered to the final consumer before the "Use-by Date", "Expiration Date", "Best-Before Date" or "Best Quality Before Date" be provided'* (option B), or
 - c) the 'indication of durability' clause and definition should be removed entirely (option C).
- ii) whether the text is ready for advancement to Step 8.

Commented [EFOAADPA1]: Comment (54) by European Federation of Allergy and Airways Diseases Patients' Associations (3 Oct 2024 16:57)
EFA strongly invites the Chairs to consider the following comments before advancing to Step 8.

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

(changes are in **bold/underline or strikethrough** mode)

1. PURPOSE

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 **as well as other considerations for pre-packaged foods offered for sale via e-commerce.**

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.

~~“**Minimum durability**” means the period (e.g. in hours, days, months etc.) between the point of delivery or agreed date for collection in-store and the best before or use-by date, as applicable.~~

“**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 pre-packaged food is encouraged to be provided.] [For the purpose of this clause, “durability” means the period between the point of delivery and the best-before or use-by date in which the food retains its specific properties when properly stored.] (option A)**~~

or

- **It is encouraged that an indication of the minimum number of days the product will be delivered to the final consumer before the “Use-by Date”, “Expiration Date”, “Best-Before Date” or “Best Quality Before Date” be provided**], (option B)
- 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.

Commented [EFOAADPA2]: Comment (56) by European Federation of Allergy and Airways Diseases Patients' Associations (3 Oct 2024 16:58)

EFA agrees with the introduction of the term ‘durability’ (as opposed to ‘minimum durability’ in previous versions of the text) as it provides greater clarity and corresponds to a specific time period compared to ‘minimum durability’, which might be confusing for consumers.

EFA also welcomes the introduction of a more descriptive definition for durability i.e. ‘the period between the point of delivery and the best-before or use-by date...’, as it will enable the consumer to think about purchasing the product.

Commented [EFOAADPA3]: Comment (55) by European Federation of Allergy and Airways Diseases Patients' Associations (3 Oct 2024 16:57)

EFA emphasises the importance of always keeping online pages updated and in line with on-pack label information.

[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 additional costs for the consumer.]

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 [EFOAADPA4]: Comment (57) by European Federation of Allergy and Airways Diseases Patients' Associations (3 Oct 2024 16:59)

Following our previous recommendations, EFA continues asking for the concretisation of 'specific situations or circumstances' where an exemption might still be justified, as suggested in the text.

If no clarification is provided, EFA would invite the Chair to delete the sentence, as it would only create uncertainty.

Commented [EFOAADPA5]: Comment (58) by European Federation of Allergy and Airways Diseases Patients' Associations (3 Oct 2024 16:59)

EFA fully agrees with clause 5.4

Commented [EFOAADPA6]: Comment (59) by European Federation of Allergy and Airways Diseases Patients' Associations (3 Oct 2024 16:59)

EFA insists that it is not only mandatory food information that shall be provided, but also voluntary information that is relevant to health such as PAL.

These shall be provided directly under the ingredient information or in a special "allergy section" of information for food sold via e-commerce.