

For background information, please see [CL 2024/55-FL](#)

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

Comments are invited in particular,

- a) review the addition of [audible] in section 7.10 and the new provision on costs in section 7.12 to align with the work on e-commerce.
- b) consider whether the *Guidelines on the Use of Technology to Provide Food Information in Food Labelling* (Appendix II) is ready to advance to Step 8.

Commented [EFOAADPA1]: Comment (128) by European Federation of Allergy and Airways Diseases Patients' Associations (2 Oct 2024 15:18)

EFA strongly invites the Chairs to consider the following comments before advancing to Step 8.

DRAFT GUIDELINES ON THE USE OF TECHNOLOGY TO PROVIDE FOOD INFORMATION IN FOOD LABELLING

(changes following adoption at Step 5 are presented as **bold-underline** additions and ~~strikethrough~~ deletions)

1. PURPOSE

Provide guidance on the use of technology to provide information to consumers¹ about prepackaged foods¹.

2. SCOPE

These guidelines apply to food information that is accessed by consumers using technology via a reference on a prepackaged food's label¹ or labelling¹.

3. USE

These guidelines should be read in conjunction with Codex texts related to labelling of prepackaged foods, including but not limited to *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

4. DEFINITIONS

For the purpose of these guidelines:

"**Food information**" means the information that is the subject of a Codex text about a prepackaged food.

"**Technology**" refers to any electronic or digital means, including but not limited to websites, online platforms and mobile applications.

5. **CONSIDERATIONS FOR DECIDING IF MANDATORY FOOD LABELLING INFORMATION REQUIRED ON A PREPACKAGED FOOD'S LABEL OR LABELLING COULD INSTEAD BE PROVIDED TO CONSUMERS USING TECHNOLOGY**

5.1 The food information should be readily accessible to consumers during normal and customary circumstances of purchase and use, which means:

- there should be sufficient technological infrastructure to support providing food information using that technology within the geographic area or country where the food is sold, such as in regards to prevalence and reliability of service,
- the general population, or a sub-set of the population for whom the food information is intended, should have widespread and adequate access to the technology in that geographic area or country, and have adopted its use, and
- it is reasonable for the consumer to use the technology to access the food information during the normal and customary circumstances of purchase and use ~~and that there is evidence of similar consumer understanding of the technology.~~

5.2 **Name of the food and food information concerning health and safety should not be provided exclusively using technology.**

5.3 Food information that relates to an individual physical product (e.g. lot code, date marking) should not be provided only using technology if doing so would compromise the ability to relate the information to that individual product.

6. **USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO MANDATORY FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL**

6.1 In cases where food labelling information is not accessible to consumers, due to conditions of sale or to exemptions from having to be provided on the label or labelling, consideration should be given to the use of technology to provide consumers with access to that information.

7. **PRINCIPLES THAT ARE APPLICABLE WHEN FOOD INFORMATION IS PROVIDED TO CONSUMERS USING TECHNOLOGY**

Food information that is accessed by consumers using technology via a reference on the prepackaged food's label or labelling ~~shall~~**should** be based on the following principles, whether the food information is required on a mandatory basis or provided voluntarily:

¹ As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

Commented [EFOAADPA2]: Comment (129) by European Federation of Allergy and Airways Diseases Patients' Associations (2 Oct 2024 15:19)

EFA does not agree with the proposed revision in the section title. We think that it continues giving the wrong signal, as the wording (choice of instead) implies that there shall be cases where required information may be provided only via technology.

As EFA has stressed on multiple occasions in the past, technology can be an excellent tool complementary to physical labelling, but should in no way substitute on-pack information.

In addition, information provided via technology must be consistent with the on-pack information, especially regarding health and safety aspects such as allergens.

Finally, the title as it stands now persists in excluding information that is voluntary, such as precautionary allergen labelling (PAL), which should also be readily available to the consumer and not offered solely via technological means.

We encourage the Chairs to revise the text, one option being to take a broader scope:

'Considerations on the mandatory information to be provided to consumers using technology'

Commented [EFOAADPA3]: Comment (130) by European Federation of Allergy and Airways Diseases Patients' Associations (2 Oct 2024 15:20)

EFA invites the Chair to explicitly cite allergens as well as other categories of health and safety information in this section.

'Name of the food and food information concerning health and safety, including but not limited to ingredients and allergens, should not be provided exclusively using technology.'

Commented [EFOAADPA4]: Comment (131) by European Federation of Allergy and Airways Diseases Patients' Associations (2 Oct 2024 15:21)

Following previous rounds of consultation, EFA insists that, even though certain information might not be accessible under specific conditions (e.g. exemption), information related to health and safety, such as allergen labelling, must always be available on-pack.

Therefore, EFA takes the deletion of the word 'mandatory' as a positive sign, but we encourage to provide with a clear distinction between health and safety information (mandatory or not mandatory, such as PAL) as opposed to other information categories.

This could be achieved with the inclusion of a note specifying that 'this provision does not apply in case of information such as the one related to health and safety'.

- 7.1 The general principles in Section 3 of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) are applicable to food information that is described or presented using technology.
- 7.2 Food information described or presented using technology shall not conflict with information provided on the label or labelling of the prepackaged food, including when shown in different languages.
- [7.3 Where mandatory food information is provided solely described or presented using technology, the reference on the label or labelling shall link directly to this information, and the mandatory food information shall be presented in one place, readily identifiable, grouped together, and easily distinguishable separately from other commercial information intended for sale or marketing purposes.]**
- 7.4 Where food information is provided using technology, the food information shall be shown in accordance with applicable Codex texts.
- 7.5 Where mandatory food information is solely provided using technology, the reference on the label or labelling should link directly to this information and the food information shall be available for the duration of the food's shelf life [at least and not less than best before date or expiry date]. [The link shall not include advertising² pertaining to the food.] **at least the period, established under intended conditions of distribution, storage, retail and use, that the food would remain safe and suitable for sale, consumption or use. For prepackaged food that are labelled with a use-by date or expiration date, this means for at least the period up to and including this date.**
- 7.6 Food information described or presented using technology shall be readily accessible to consumers [and comply with the data protection policies of parent organizations] without having to provide or disclose information that is **may be** used to identify an individual.
- 7.7 [When the label or labelling of a prepackaged food references food information to be accessed using technology, sufficient information shall be displayed on the technology platform to enable consumers to ascertain that the food information pertains to that prepackaged food.]
- 7.8 If the purpose of the reference on the label or labelling of the prepackaged food is not self-explanatory to consumers, it shall be accompanied by an explanation of how to use it or the type of food information that will be found when used (e.g. "scan here for more information on ingredients").
- 7.9 The reference and any explanatory statement shown on the label or labelling that links to food information to be accessed using technology shall adhere to sections 8.1.2 and 8.1.3 of the *General Standard for the Labelling of Prepackaged Foods* 9 (CXS 1-1985).
- 7.10 Food information described or presented using technology shall be clear, prominent and readily legible [or audible] to the consumer under normal settings and conditions of use of the technological platform.
- 7.11 The language or languages of food information described or presented using technology shall be suitable to the consumer in the country in which the food is marketed.]
- [7.12 Where food information is provided using technology, it shall be provided without any additional costs for the consumer.]**

² As defined in the Guidelines for Use of Nutrition and Health Claims (CXG 23-1997)

Commented [EFOAADPA5]: Comment (132) by European Federation of Allergy and Airways Diseases Patients' Associations (2 Oct 2024 15:23)

EFA reiterates that it must not be possible to provide mandatory information solely via technology, as it would potentially lead to risk for the consumers.

However, not only mandatory food information must be easily identifiable: information such as Precautionary Allergen Labelling (PAL), despite being voluntary, is vital for patients and shall be easily identifiable and, ideally, separate, given that it is related to health and certainly not commercial in its essence.

Overall, in the case of health and safety information such as allergens, the accessibility of allergen information (mandatory and voluntary) must be directly linked to the food product. This is because if someone who buys the food has access to technologies and hands the food over to someone who does not have the same access, the information then is lost.

Commented [EFOAADPA6]: Comment (133) by European Federation of Allergy and Airways Diseases Patients' Associations (2 Oct 2024 15:24)

EFA agrees with the proposed change from 'is' to 'may be'.

Commented [EFOAADPA7]: Comment (134) by European Federation of Allergy and Airways Diseases Patients' Associations (2 Oct 2024 15:24)

While EFA partly agrees with the provision, we would like to propose again to add that "food information on the physical label and on digital means should coincide at all times", and therefore "due process shall be taken to ensure the update of the information in relevant cases e.g. recipe change".

Commented [EFOAADPA8]: Comment (143) by European Federation of Allergy and Airways Diseases Patients' Associations (2 Oct 2024 15:55)

At EFA we do not consider the proposed addition 'or audible' necessary. The use of the word 'or' could be perceived as a possibility to provide the information in either written or audible form. Giving the option to make it one or the other, though, risks making it less accessible.

Today, everything written in a digital setup e.g. a platform, a website etc, can easily and automatically be reproduced via sound with the use of widely available tools, embedded in all internet browsers.

Commented [EFOAADPA9]: Comment (135) by European Federation of Allergy and Airways Diseases Patients' Associations (2 Oct 2024 15:26)

EFA agrees with the inclusion of 7.12.