

EWG 2nd Consultation Request (February 2024)

Draft Guidelines on the Use of Technology to Provide Food Information in Food Labelling

EWG Chaired by Canada and Co-Chaired by India and New Zealand

Dear EWG members,

The chair and co-chairs thank you for your comments on the first consultation round for the EWG on the *Use of Technology to Provide Food Information in Food Labelling*.

Please find below a summary of the responses received and the proposed approach to adjusting the draft, as well as the revised draft Guidelines.

At this time, we would like to seek your feedback on the latest version of the draft text attached, including **some specific questions at the end of this summary related to specific provisions**.

Comments are requested to be posted to the EWG forum by **April 30, 2024**.

Thank you in advance. We look forward to your feedback.

Summary of EWG Feedback and Proposed Approach

A total of 24 responses were received on this first round of consultation within the EWG, from 16 members and 8 observer organizations.

Members that replied: Argentina, Brazil, Canada, Colombia, Costa Rica, Ecuador, European Union, India, Indonesia, Japan, New Zealand, Paraguay, Saudi Arabia, Thailand, United Kingdom, United States of America

Observer Organizations that replied: Food and Drink Europe (FDE), Food Industry Asia (FIA), International Chewing Gum Association (ICGA), International Confectionery Association (ICA), International Council of Beverages Association (ICBA), International Council of Grocery Manufacturers Associations (ICGMA), International Dairy Federation (IDF), International Special Dietary Foods Industries (ISDI)

Questions 1 and 2

Questions 1 and 2 asked about text in **Sections 7.3** and **7.5** that include provisions related to commercial information, marketing or advertising.

Question 1 asked if EWG members supported restricting commercial information, separating commercial information from food information, or neither of those. A further question was posed to those who supported restricting such information, asking if the following text in square brackets should be about the information that is linked to, or to the link itself: “[**The link shall not include advertising² pertaining to the food.**]”

Question 2 asked if members consider that the text on commercial information in sections 7.3 and 7.5 to be conflicting with the preamble to Section 7.

Question 1

Of the 24 EWG members who submitted comments, 3 did not select any of the yes/no options, but provided comments (1 Member, 2 Observers).

Of the 21 who selected an option (15 members, 6 observers):

- **9/21** (7/15 members, 2/6 observer organizations) **said YES, commercial information should be restricted or separated**
 - o 5/15 members, 0/6 observer organizations said **YES** to restricting commercial information as in Section 7.5
 - o 2/15 members, 2/6 observer organizations said **YES** to separating commercial information as in Section 7.3 (**number excludes those who said yes to both 7.3 and 7.5)
- **11/21** (8/15 members, 3/6 observer organizations) **said NO**, that this was not necessary

Reasoning of those supporting the text in section 7.3 and those supporting section 7.5 was similar, that food information should be easily identifiable, in one place, and not obscured or difficult to find due to intervening or overwhelming commercial information.

EWG members who responded that they did not think commercial information should be restricted or separated provided rationales including that the definition of food information includes advertising / commercial information and there are no such requirements on a physical label. However, several respondents who indicated no did state that mandatory information should be prominent and easily identifiable to consumers.

While there was a diversity of views and selected options, the rationales enabled the identification of a common theme that most EWG members see it important to ensure that when mandatory food information is provided solely through technology, it should be presented in a way that it is easily identifiable and separated from advertising and other food information that is not mandatory, making it readily accessible to consumers. It was emphasized by some that this should apply only in cases where the mandatory food information is available solely through technology.

There were some comments that if the text in square brackets in section 7.5 were to be retained, it should be about both the link and the information linked to. There were also comments that this text was not clear. Additionally, comments were made about the term “link directly” to the information from the reference on the label in section 7.5, and that this may be too prescriptive and subject to interpretation.

In addition, there were comments about the need for clarity on what is considered commercial information, and suggestions to consider using the term “advertising” instead, as defined in the *Guidelines on the Use of Nutrition and Health Claims*. Several respondents indicated that “in one place”, as proposed in square brackets in Section 7.3, may not have a clear meaning in a website or platform context. There were some comments here or in later sections on repetition of concepts between section 7.3 and the text in square brackets in 7.5.

Question 2

- **5/24 respondents** (3/16 members and 2/8 observer organizations) **consider that the text on commercial information in sections 7.3 and 7.5 is conflicting** with the preamble to Section 7
- **17/24** (13/16 members and 4/8 observers) **do not**

- 2/24 (2 observers) did not take a position.

The rationales provided helped better understand views on what this text should achieve regarding food information overall, mandatory food information provided using technology, and whether or not commercial / advertising information needs to be limited. There were also editorial suggestions about the preamble.

Proposal:

There is general support or acceptance that mandatory food information should be readily identifiable and visible to the consumer, and not cluttered by other marketing information. Therefore it is proposed to adjust the draft text to specify the outcome members would like to see, in one provision as opposed to separating this between Sections 7.3 and 7.5. This has been done in the revised draft by:

- Updating Section 7.3 with elements of 7.5, including the part about linking directly to the information
- Consider alternative terms to “link directly” such as “link clearly” or “link in a clear manner”
- Specifying that the provision applies to mandatory food information, and anything else is “other information”. The use of “other information” would include marketing and commercial information, but this no longer needs to be stated, which should address the comments on the meaning of these terms.
- Using the term “grouped together” instead of “in one place” to address comments on the lack of clarity with “in one place” in a digital context
- Adjusting so that the section applies only when mandatory information is provided solely using technology
- Replacing “should” with “shall”, further described in the “Other Comments” section below

[7.3 Where mandatory food information is provided solely described or presented using technology, the reference on the label shall link [directly/clearly/in a clear manner] to this information, and the mandatory 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.]

Clean version:

7.3 Where mandatory food information is provided solely using technology, the reference on the label shall link [directly/clearly/in a clear manner] to this information, and the mandatory information shall be readily identifiable, grouped together, and easily distinguishable from other information.

By removing some duplication between 7.3 and 7.5, and moving the text on linking directly to 7.3, 7.5 will be left to address the duration of the information’s availability.

Question 3

Regarding **Section 7.5**

7.5 Where mandatory food information is provided using technology, the reference on the label or labelling should link directly to this information and the food information should 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.]**

Question 3 asked EWG members if they support the inclusion of the following text in square brackets in Section 7.5: “[at least and not less than best before or expiry date]”.

- **10/24** (8/16 members and 2/8 observer organizations) **said YES**
 - However, all but 2 members indicated that there were issues with the text in square brackets or that changes were required. These responses effectively equate to “NO”.
- **14/24** (8/16 members and 6/8 observer organizations) **said NO**
- **In summary, the majority of members and observer organizations** indicated that they did not support the inclusion of the text square brackets in Section 7.5 **as written** because there were issues with the text and changes were required

Respondents generally agreed that there is a need for this provision to define the length of time that the food information should be available. However, comments on how to draft this varied:

- Some indicated the text in square brackets was not needed and the term “shelf life” is adequate
- Some suggested using the GSLPF terms (e.g. use-by date, best before date) instead of “shelf life”
- Many supported the text in square brackets in addition to the term “shelf life”, though some further suggested the date mark terms need to align with GSLPF terms
- Many noted that for foods with an expiry date, this date does align with a food’s shelf life as the product should not be consumed after that date
- Many also commented that the shelf life of a food can often be longer than the best before date, and therefore the best before date should not define the length of time the mandatory food information should be available, but rather it should be the period of time up to when the food could be consumed. Absence of this information after the indicated best before date could unnecessarily restrict the availability of certain foods that could otherwise be chosen and safely consumed by consumers and lead to an increase of food waste.

Outside of the square brackets, there were also comments that the term shelf life may be subject to interpretation. The chair and co-chairs have reviewed varying definitions and use of shelf life that exist and have reached the same conclusion.

Proposal:

There is agreement among EWG members that there needs to be a provision that provides guidance on the length of time food information should be available. There is also agreement that use-by/expiration date is the appropriate end of that timeframe for products that it is applicable to. For products with a best before date, or those with no date, the appropriate length of time is as long as the food is safe and suitable for sale, consumption and use.

The chair and co-chairs have therefore provided draft revisions to section 7.5 that address the above feedback, using descriptive language instead of “shelf life” and the GSLPF terms of use-by-date and expiration date, where applicable. As further described in the “Other Comments” section below, “should” is replaced with “shall”.

7.5 Where mandatory food information is 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 foods that are labelled with a use-by date or expiration date, this means for at least the period up to and including this date.

Clean version:

7.5 Where mandatory food information is provided using technology, the food information shall be available for 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 foods that are labelled with a use-by date or expiration date, this means for at least the period up to and including this date.

Question 4

Question 4 asked if EWG members supported the inclusion of the following text in square brackets in Section 7.6: “[**and comply with the data protection policies of parent organizations**]”.

12/14 members and 7/8 Observer Organizations do NOT support this section as written. Two members did not provide an answer.

There was no support for the text in square brackets as written. There was one comments that “information used to identify an individual” may be too limiting, and that there should be further guidance on protecting personal data, offering edits to the text to achieve this. The majority commented that the text is out of scope of Codex, and CCFL in particular, that the original text is adequate, and that the text in square brackets could be removed. Rationales given included that broader laws already exist to protect the privacy and data/information of individuals and that it is not necessary in a Codex text to state that food information must follow those laws.

Proposal:

Strike out text in square brackets. As described in the “Other Comments” section below, “should” is replaced with “shall”.

7.6 Food information described or presented using technology ~~shall should~~ be readily accessible to consumers ~~[and comply with the data protection policies of parent organizations]~~ without having to provide or disclose information that is used to identify an individual.

Clean version:

7.6 Food information described or presented using technology shall be readily accessible to consumers without having to provide or disclose information that is used to identify an individual.

Question 5

Question 5 asked EWG members if they support Section 7.7 as written:

***7.7** When the label or labelling of a pre-packaged 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 pre-packaged food.*

20/24 respondents (13/16 members and 7/8 observer organizations) **support this section as written.** One observer organization does not consider this section to be necessary.

There was general support for this provision. There was a comment about the need for the information to be up-to-date. However this is addressed in section 7.5, which requires information to relate to the corresponding physical product for the duration of its shelf life. There were a few comments that “sufficient information” was open to interpretation, while most respondents did not have concerns with using this outcome-based language. There were additional editorial suggestions, some of which would change the intent of this provision.

Proposal:

Maintain the draft as written.

Question 6

Question 6 asked EWG members if they support Section 7.8 as written:

7.8 If the purpose of the reference on the label or labelling of the pre-packaged food is not self-explanatory to consumers, it should 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”).

19/24 respondents (12/16 members and 7/8 Observer Organizations) **support this section as written.**

A majority of EWG members support this provision as written. There were others who supported the intent but suggested editorial changes to make it more clear.

Proposal:

Given the general support, and that the editorial suggestions did not substantively change the intent of the provision, it has not been changed. However “should” is replaced with “shall”, as described in the “Other Comments” section below.

Question 7

Question 7 asked EWG members if they support Section 7.9 as written:

7.9 The reference and any explanatory statement shown on the label or labelling that links to food information to be accessed using technology should adhere to sections 8.1.2 and 8.1.3 of the General Standard for the Labelling of Pre-packaged Foods 9 (CXS 1-1985).

18/21 EWG members (14/15 members and 4/6 observer organizations) **support this section.** One member and two observer organizations abstained from answering

The majority of members support this section as written, for reasons that it is important for the reference and the explanatory statement to be clear, prominent and legible for the consumer.

There was a comment concerning Section 8.1.1 of the GSLPF and whether it should be referenced in this section. However, it was determined that given that “label” and “labelling” in these guidelines have the same meaning as in the GSLPF, Section 8.1.1. would already apply without stating this.

One member suggested the possibility that the reference and any explanatory statement was already subject to section 8.1.2 and 8.1.3 of the GSLPF by virtue of the fact that the GSLPF applies to mandatory food information. Section 8.1.2 of the GSLPF indicates: Statements required to appear on the label by virtue of this standard or any other Codex standards shall be clear, prominent, indelible and readily

legible by the consumer under normal conditions of purchase and use. However, these guidelines do not require a reference to be shown on the label in all cases. Therefore, including section 7.9 in these guidelines provides greater certainty that the reference and explanatory statement must adhere with sections 8.1.2 and 8.1.3 of the GSLPF.

There was also a comment that this section should only apply if the reference is to mandatory food information. Only one member mentioned this.

Proposal:

No changes to the draft section, except replacing “should” with “shall”, as described in the “Other Comments” section below.

Question 8

Question 8 asked EWG members if they support Section 7.10 as written:

7.10 Food information described or presented using technology shall be clear, prominent and readily legible to the consumer under normal settings and conditions of use of the technological platform.

20/24 EWG members (15/16 members and 5/8 observers) **support or partially support this section.**

1/16 members and 3/8 observers did not support this section.

1/8 observers did not respond.

There was general support for this provision. One member commented that the concept of separating mandatory food information in Section 7.3 could be addressed by the “clear and prominent” provisions in this section. Other respondents (1 member and 2 observers) suggested that food information should also be clearly audible, although this goes beyond the accessibility requirements for prepackaged foods.

One member suggested that section 8.1.1 of the GSLPF also be considered. As “label” and “labelling” in this text have the same meaning as in the GSLPF, this would already require the label containing the reference and any explanatory statement to be applied in a manner that does not allow it to become separated from the container.

The member that did not support this provision did not view it as necessary for the same reasons identified above, that Section 8.1.2 of the GSLPF indicates: Statements required to appear on the label by virtue of this standard or any other Codex standards shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use. However, food information is not required to appear on the label, and this provision applies to both mandatory and voluntary food information.

Proposal:

Retain this section as written given the high level of support.

Question 9

Question 9 asked EWG members if they support Section 7.11 as written:

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.]

11/16 members and 4/6 observer organizations indicated support for this section
5/16 members and 2/6 observer organizations did not support the section

There was general support that food information must be provided in the language of the country where it is marketed. There were some editorial suggestions about the term “suitable” with suggested alternatives with similar meanings such as “acceptable”, “appropriate”, “easily understood”.

Several EWG members suggested that wording should be added so that the language is suitable to the consumer in the country in which the food is **intended to be** marketed. It was felt that this addition would prevent the original company applying a link or QR code from having to provide information in additional languages than the original intended market if it is resold in other countries. Upon further analysis, this addition could also introduce a loophole. If a food business operator (FBO) imports and sells the prepackaged food into another country that the manufacturer did not intend for it to be sold, then that person becomes responsible for meeting this provision in the country where they now intend for it to be marketed/sold. They could either relabel the product to remove the link or provide a new link with the information in the language of that country. However, the importing FBO should not be able to avoid providing the food information in the language of the importing country because it was not originally intended by the manufacturer to be sold there. It is also noted that the use of “intended” in section 8.2.1 of the GSLPF: “.....the consumer for whom it is intended” has quite a different, and opposite, connotation than the phrase “intended to be marketed”. The former has the effect of ensuring the end consumer has the information in the appropriate language. This provision is written to achieve the same outcome.

Proposal:

Retain the provision as is.

Other Comments

There were several comments about how to use these guidelines, and regarding a lack of clarity about the purpose of Section 3, as well as Section 7.4. Note that:

- Section 3 was added during CCFL47 and is intended to remind readers and users of these draft guidelines that they apply at the same time as other Codex texts. For example, the GSLPF and General Guidelines on Claims continue to apply to food labels where the references to food information provided through technology are found.
- Section 7.4 is intended to clarify that food information provided through technology needs to adhere to the same provisions as when such information is provided on the label. For example, if an organic or halal claim is made on a technological platform, it would still be subject to the relevant Codex text. If certain information is mandatory for a particular commodity, like country of origin, it would be considered mandatory food information for the purpose of these draft guidelines.

There were various comments on the use of “should” vs. “shall” throughout the text. In particular, several members suggested that sections relating to the provision of mandatory food information should use “shall” language, to be consistent with the GSLPF. Based on these comments, edits were made to the revised draft to use “shall” throughout the principles in section 7.

Comments were received on the heading for Section 5, suggesting it should refer to “food information” rather than “food labelling information”, for consistency and given the definition in the text.

Proposal: Change the title of Section 5 to read:

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

Some members suggested that the previously drafted text underlined below of section 5.2 be retained, or questioned the value of the text without it: **5.2 Name of the food and food information concerning health and safety should not be provided exclusively using technology, if its absence could cause harm to the health of consumers.**

It was felt by these members that not including this text would limit the usefulness of these draft guidelines and that they would not be future proof, as it would result in most mandatory labelling information never being eligible to be replaced by technology. Further, it is noted that there are examples internationally of jurisdictions where nutrition information on certain prepackaged foods is permitted to be provided using technology, and retaining the underlined text would best align with emerging practices.

Proposal:

Re-introduce the underlined text in square brackets to future proof the draft guidelines and provide more flexibility to competent authorities.

Comments were received that Section 6 should be amended to include reference to the use of technology in emergency situations. At CCFL47, related text was removed given the concurrent work on a discussion paper specifically related to flexibilities in emergency situations.

Some EWG members commented that the text “there is evidence of similar consumer understanding of the technology” in section 5.1 (c) is unclear as to its intent and what the understanding is similar to. For example, it could be interpreted to be about evidence that consumers understand the food information or that they understand how to use the technology. This text was added at CCFL47.

Proposal:

Members are asked to provide comments to clarify the intent of this text, or to comment on whether it can be removed.

One member suggested adding a new section “5.4 Products bearing a religious dietary claim & certification (e.g. kosher, kosher dairy, halal etc.) should not be provided only using technology”. It is noted that this situation is different than what is covered in Section 5.3 which is intended to address the fact that labelling information such as the lot code and date mark will change for individual products from different production runs.

One member suggested that there should be provisions concerning changing or correcting information once provided using technology and keeping logs of changes, and that this would help competent

authorities with monitoring. While this may be helpful, it is understood that competent authorities would be able to access and record or preserve any information needed during the course of their investigations on any issues.

Questions to the EWG:

1. Do you support the proposed revisions to Section 7.3? Please explain.
 - a. Do you have a preference between the following terms in square brackets:

[directly/clearly/in a clear manner]?

While EFA agrees with the revision proposal in principle, we cannot stress enough the need to ensure that mandatory food information related to health, such as food allergens, are clearly identifiable and not mixed with commercial information, which might be confusing for consumers with food allergy. As EFA has repeatedly stressed in the previous stages of this consultation, *the use of technology cannot replace physical labels*. Mandatory information, which includes allergen information, should always be provided *at least* both printed and digitally– and certainly not through new technology only. Regarding the argument that there are no such restrictions to physical labelling, EFA invites the Chair and Co-Chairs to consider that the digital context is a relatively a novel situation unequal globally, which many consumers are not familiar with, and therefore the information must be provided with utmost clarity.

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

As regards question 1a about directly/clearly/in a clear manner, among the three options EFA would favor ‘directly’, as it implies that the reference on the label should lead to the food information without any other action needed (e.g. scrolling up/down onto the digital platform). On the other hand, EFA would prioritise ‘in one place’ over ‘grouped together’ as it is semantically stronger. We do not think that it lacks clarity because of the digital context, as digital itself is a space. Besides, we urge that food information (both general and mandatory) are placed at the beginning of the digital space allocated to the product information (e.g. website, platform etc) for the convenience of consumers.

2. Do you support the proposed revisions to Section 7.5? Please explain.

EFA supports the proposal for a revised Section 7.5.
3. Do you support the re-introduction of the text in Section 5.2 for the reasons provided?

EFA reiterates the need to re-introduce a more detailed definition of ‘food information concerning health and safety’ that was already contained in a previous draft (Step 3), which specified that it refers to ‘e.g. ingredients, allergens, expiration dates’ i.e. ‘*Food information concerning health and safety (e.g. ingredients, allergens, expiration dates)*’.
4. Please provide comments to clarify the intent of the text “there is evidence of similar consumer understanding of the technology” in section 5.1 (c), or whether this text can be removed.

EFA agrees that this text is not clear and needs specification. On that note, but referring to the whole Section 5.1(c), EFA would like to stress that, to be ‘reasonable for the consumer to use the technology to access the food information’ and to have adequate ‘consumer understanding’ of this technology, there is a need to adopt certain changes at societal level. Especially when it comes to mandatory food information such as allergens, access to digital technology should become common practice: this entails to invest in public awareness and understanding of digital means, and to fight distrust to technology that is observed among

5. Do you have any other comments on the revised draft guidelines?

EFA wishes to raise some additional points regarding the revised draft guidelines:

- **EFA supports the revision proposal for Sections 7.6, 7.8, 7.9 and 7.11;**
- **EFA partially supports the revision proposal for Section 7.7. We propose 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;**
- **EFA supports in principle the revision proposal for Section 7.10, but we consider important to add a distinction here between general food information (e.g. ingredients, nutritional info etc) and *mandatory* food information. In EFA's view, mandatory food information such as allergens must be presented either according to certain special provisions (e.g. italics, bold), a requirement arising also from the EU Reg. 1169/2011; or by providing a summary statement for food allergens directly next to the ingredient list.**

Please provide your comments by **April 30, 2024**.

Canada, India and New Zealand appreciate your input on the draft text.

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

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:

- (a) 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,
- (b) 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
- (c) 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 **[if its absence could cause harm to the health of consumers]**.

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.

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

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:

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 shall link [directly/clearly/in a clear manner] to this information, and the mandatory 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.]~~

Clean version:

7.3 Where mandatory food information is provided solely using technology, the reference on the label shall link [directly/clearly/in a clear manner] to this information, and the mandatory information shall be readily identifiable, grouped together, and easily distinguishable from other information.

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 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.**

Clean version:

7.5 Where mandatory food information is provided using technology, the food information shall be available for 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 foods 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** ~~should~~ be readily accessible to consumers ~~[and comply with the data protection policies of parent organizations]~~ without having to provide or disclose information that is used to identify an individual.

Clean version:

7.6 Food information described or presented using technology shall be readily accessible to consumers without having to provide or disclose information that is 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** ~~should~~ 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** ~~should~~ 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 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.}

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