

Codex Committee For Food Labelling

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At the 34th Session of the Codex Committee on Food Labelling (CCFL), held in Ottawa, Canada from May 1-5, 2006, the CCFL met in order to discuss several issues of importance to consumers. Among other things, the CCFL discusses and proposes guidelines on food labelling, food definitions, advertising, and any matters referred to it by the Codex Alimentarius Commission (CAC), the Food and Agriculture Organization (FAO), and/or the World Health Organization (WHO).

The National Health Federation, the only consumer health-freedom group with accreditation to attend and speak out at such Codex meetings, was present throughout the entire meeting and its working groups in order to monitor the Committee's work and to provide a voice at the meeting for those consumers who wish to preserve their health choices through a free flow of information from all sources.

The Global Strategy

The first day of the meeting opened early on with a presentation by Janice Albert, the representative of the FAO, discussing the WHO's "Global Strategy on Diet, Physical Activity, and Health," in which she made several main points about the Global Strategy: (1) that its aim was to prevent and control "the heavy and growing burden of non-communicable diseases"; and (2) that the FAO endorsed this Strategy. Further areas for developing the Strategy, she added, would be: (1) promoting labelling to allow consumers to be better informed about the benefits and contents of foods; (2) adopting measures to minimize the impact of marketing on unhealthy dietary patterns; (3) providing more information about healthy consumption patterns; and (4) adopting production and processing standards regarding the nutritional quality and safety of products. Importantly, during her presentation, not once did Ms. Albert mention food supplements.[1]

Nor did any of the other delegations discussing this topic mention food supplements as a critical element for optimizing health and nutrition, until South Africa spoke. The South African delegate, Antoinette Booyzen, proposed the inclusion within the Global Strategy of a comprehensive list of 11 health-optimizing points, including, among other things, recognizing that nutrients were not toxins and should be generally recognized as safe, allowing the enrichment of foods with dietary supplements so as to optimize nutrient density, and supporting nutrition and health claims and advertising for those foods that contribute to a healthy lifestyle while banning such claims that do not. The NHF was the only other delegation present that spoke up in support of the South African proposal, although it could be argued that the Senegalese delegate's preceding remarks indirectly supported South Africa. Without broad support, the South African proposal was not accepted for inclusion.

After a break, the CCFL Chairwoman, Dr. Anne MacKenzie, announced that the Committee should approve 5 main themes involving the Global Strategy, which themes

were drafted by unnamed parties during the break. Those themes were: (1) Enhancing and improving the label information about the nutritional aspects of food to assist consumers in making informed health choices about foods; (2) The importance of truthful and non-misleading marketing practices and advertising in promoting the nutritional aspects of foods; (3) Codex standards should not impede the development of modified versions of foods intended to improve consumers' food choices [read: GMOs should not be forbidden]; (4) The importance of sound science in implementing the Global Strategy; and (5) Improving access to information that is adequate, accurate, and truthful. The Chairwoman then asked for comments from the delegates.

The NHF pointed out to the Committee that it was easy for us delegates to nit-pick the work done by others and that the Chairwoman should be commended for the 5 Themes, which covered the two general topics of health protection and truthful information. However, the NHF added that those two topics are just subsets of our overriding goal here of ensuring that people will be healthier, and that unfortunately nowhere in the 5 Themes was there any mention of "optimizing health and nutrition." The NHF therefore proposed, and the Chairwoman accepted, that the phrase "The role of adequate information that is truthful must be taken into consideration" have the words "and that optimizes health and nutrition" inserted after "truthful" so as to reflect this broader theme. It looked like a victory for health freedom!

At that point, though, the delegate from the United States, Barbara Schneeman, asked to be recognized and then said that the United States opposed the inclusion of those words because it would not be good to tinker with the wording of the themes. The Chairwoman then promptly deleted the NHF's previously-accepted wording from the text, since, under Codex procedural rules, a country's stated position will prevail over that of a nongovernmental organization such as the NHF.^[2] Thanks, then, to the United States and the United States alone there is no mention of optimizing health and nutrition in the 5 Themes of the Global Strategy.

The Chairwoman then announced that the FAO and WHO would prepare a document that would take into account the 5 Themes, which would then be presented at the next meeting of the Codex Committee on Nutrition and Foods for Special Dietary Uses in November 2006. CCFL would then revisit the enhanced report at its next meeting.

GMO Labelling

The next hot topic at the CCFL meeting centered around genetically modified organisms and whether or not they needed to be fully disclosed on food labels. Contrary to most of the rest of the World, the general position of the food-exporting Western Hemispheric delegations (Canada, USA, Mexico, and Argentina) was that GMO labelling was not a topic that the Committee should take up and that it should be dropped from the agenda. The NHF disagreed with that position and supported full disclosure of GMO ingredients on food labels so that consumers may make fully-informed health choices.

Since no consensus was reached on this topic, the Chairwoman accepted Norway's suggestion for a physical working group to meet in Norway next January 2007, and the NHF added its name to the many other delegations which will be in attendance there.

Trans-Fatty Acid and Advertising Definitions

Two issues that the Committee was charged with considering were the definitions of trans-fatty acids^[3] and advertising.^[4] In both cases, there was broad disagreement and, so, no consensus was reached after considerable discussion.

Importantly, as the disagreement over the definition of trans-fatty acids raged on, the Chairwoman noted that “We are all aware of sovereign rights, so there is nothing to prevent the member countries from revising [the definition] as they will.” This comment was in line with her earlier comments that the CCFL guidelines were just “indicative” and not required, words that are important to many of us who see Codex Guidelines as the harbinger of national things to come.

In its opposition to the definition of trans-fatty acids, South Africa noted the definition as proposed would cover certain naturally-occurring substances, such as conjugated linoleic acid (CLA), which could result in them being unfairly and incorrectly branded as health hazards.

In turn, the NHF opposed the Canadian-proposed definition of advertising because it could result in the prohibition of advertising legitimate, published, peer-reviewed research papers, among other things. The United States delegation, supported by several other delegations, expressed the opinion that it was not appropriate for the Committee to define advertising, which definition best be left to national authorities.

Overview

Well-run,^[5] the CCFL meeting progressed steadily despite strong disagreements among the country delegations. The main areas of friction were about the WHO Global Strategy themes, mandatory GMO labelling, and – interestingly enough – the definitions of trans-fatty acids and advertising. All of these issues were referred on for further discussion and work, but there was never any consensus or agreement that health and nutrition must be optimized or that dietary supplements have a role to play in optimizing health and nutrition, although the National Health Federation came extremely close to inserting important language to that effect in the Global Strategy’s themes. Unfortunately, the United States – represented here as it always is by an FDA functionary – saw to it that such important language was eliminated from the Global Strategy.

Clearly, with anti-health-freedom delegations such as the United States and the European Commission running the show at Codex and with most other delegations blissfully uncaring or unknowledgeable about the true health benefits that optimal health and nutrition play in preventing disease and other health problems, the direction of the various Codex guidelines is still off-course.

[1] In fact, in a private conversation NHF held with Ms. Albert the following day, she said that at the last CAC meeting in Rome (July 2005) there had been no condemnation by FAO or WHO of Codex on the subject of nutrition and that, while she agreed that natural substances should not be treated in the same manner as toxins, natural substances such as food supplements must be checked and controlled also.

[2] At the very next break, the NHF delegate angrily demanded of Dr. Schneeman why she had asked for the removal of the “optimizes health and nutrition” wording. Taken aback, she claimed that we must look at the broader picture, that we could not allow the

themes to be tinkered with, and that such wording might imply that labelling would have to have such information. The NHF said, if anything, her position showed that the FDA opposes optimizing health and nutrition!

[3] Defined as “all the geometrical isomers of monounsaturated and polyunsaturated fatty acids having non-conjugated, interrupted by at least one methylene group, carbon-carbon double bonds in the trans configuration.”

[4] Defined as “any representation to the public, by any means other than a label, that is intended or is likely to influence and shape attitude, beliefs and behaviors in order to promote directly or indirectly the sale of any food.”

[5] Whatever may be said of the direction of Codex, it must be stated that Chairwoman Anne MacKenzie was competent, astute, and extremely knowledgeable in her handling of the meeting as its chairwoman, only once failing to recognize the NHF to speak (and that due to obvious time constraints) - all qualities to be appreciated.

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