

FOOD LABELLING SQUAD MEETING

12 March 2024





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By way of example, participants shall not discuss, communicate or exchange any commercially sensitive information, including non-public information relating to prices, marketing and advertising strategy, costs and revenues, trading terms and conditions with third parties, including purchasing strategy, terms of supply, trade programmes or distribution strategy.

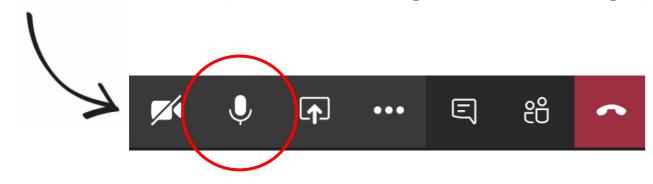
This applies not only to discussions in formal meetings but also to informal discussions before, during and after meetings. Should the meeting discuss matters that fall outside of FIA's legal remit or contravene its competition law policy, the Chairman will close the meeting.





HOUSEKEEPING RULES

To minimise interruptions during this meeting, please note that your mic will be muted.



Please use the <u>raise hand</u> feature on the Microsoft Teams app if you have any questions or comments.

This meeting will be recorded for internal note-taking purposes only.

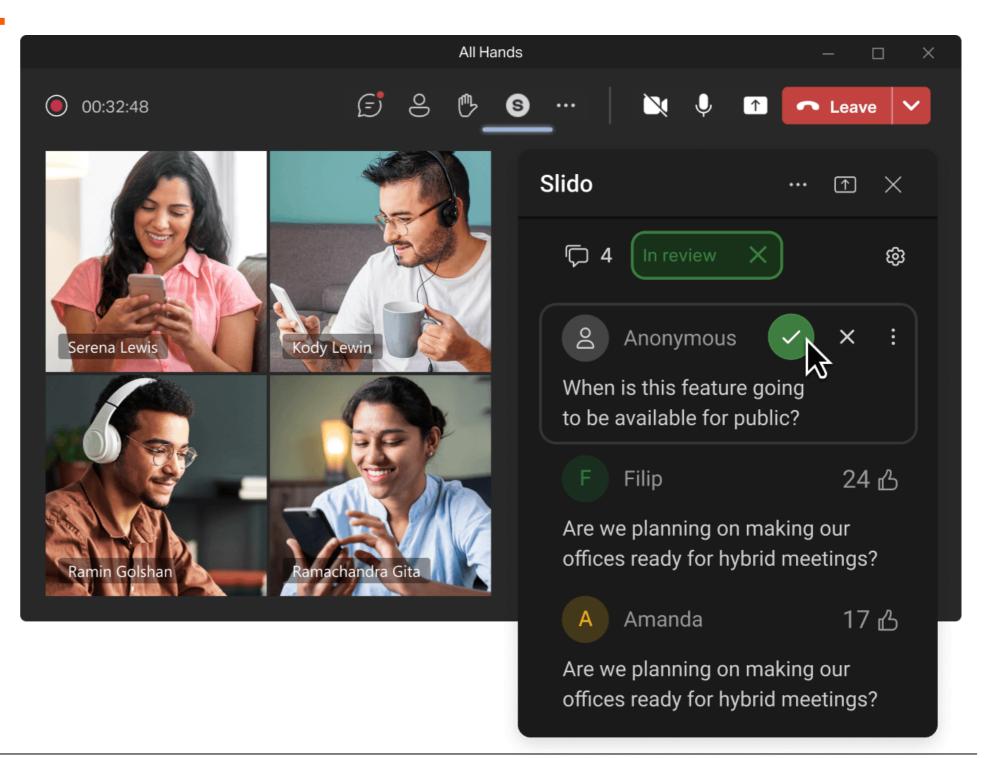


MEETING ENGAGEMENT TOOL

Please share your concerns regarding the CHALLENGES YOU ENCOUNTER WITH FOOD LABELLING IN APAC REGION by using the Slido tool in Microsoft Teams or by joining #3872422 at slido.com.

Responses will be address in Agenda #3 on the Squad Strategy.







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10 OCTOBER 2023 MEETING

FIA Action: FIA reach out to the local contacts in Sri Lanka to understand more on the discussion during the workshop on the Food (Labelling and Advertising) Regulations 2022, along with details of the proposed joint committee meeting by the Sri Lanka authorities.

Status Update: FIA has shared our <u>finalised comments</u> with the Sri Lanka Ministry of Health (MOH) and requested for a face-to-face meeting. The MOH informed us that our comments are currently under discussion at the regulation formation subcommittee. Additionally, they mentioned the possibility of holding a stakeholder meeting with the industry.

In December 2023, the Sri Lanka Ministry of Health (MOH) extended the implementation date to 1 January 2025 instead.



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FOOD LABELLING SQUAD STRATEGY





GLOBAL DEVELOPMENT ON SHRINKFLATION INDICATION

France is planning to introduce regulations requiring consumers to be informed about shrinkflation by Spring. According to the proposed plans, retailers would be required to indicate any reduction in product size or price increase directly on the packaging or on a label attached to or near the product. This notice must be clearly visible and legible, with characters of the same size as those used to indicate the price of the product.

On 15 September, a <u>French grocery chain added "shrinkflation" warning stickers</u> to a wide range of products both in stores and on its website. A total of 26 products were labelled with: "This product has seen its volume or weight fall and the effective price by the supplier rise".

On 09 January 2024, the Hungarian Government introduced a new measure mandating food retailers with sales revenue of more than 1 billion forints to provide labelling that indicates "shrinkflation". The benchmark for the reduction in weight or volume will be the packaging of a given product between 01 January 2022 and 01 July 2023. Retailers selling the reduced sized products must provide the information for a period of two months, from the date they started to sell the product in the reduced size.

In January 2024, the <u>South Korea Ministry of Food and Drug Safety</u> (MFDS) proposed implementing "shrinkflation" indicators for food products undergoing changes in content size and/or unit price, specifically when the raw commodity price remains unchanged.

South Korea

Philippines

In January 2024, the <u>Philippines Department</u> of <u>Trade and Industry (DTI)</u> signalled the possibility of manufacturers being required to incorporate an <u>additional mandatory label</u> on their products to signify "shrinkflation" or a reduction in volume or weight.

Positive Neutral Challenge

On 18 September 2023, the <u>Queensland Consumers Association urged</u> Australian supermarkets to follow in the footsteps of a French grocery chain, by **alerting consumers when a packaged food product has reduced in size**. They added that consumers could make more informed purchasing decisions if downsized products were more easily identifiable on supermarket shelves.

France Hungary

Australia



CHALLENGES IN KEY MARKETS



- 1. FOPNL
- 2. Date Marking Declaration



- 1. FOPNL
- 2. Tolerance levels for BOPNL
- 3. Need to expand the scope of digital labelling



- I. FOPNL
- 2. Need to expand the scope of digital labelling regulation



Non-retail container labelling

Cross-cutting topics

- 1. FOPNL
- 2. Digital Labelling
- 3. Tolerance level for BOPNL
- 4. Shrinkflation Indication



- 1. FOPNL and Nutrient Profile Model
- 2. Date Marking Declaration
- 3. Shrinkflation Indication



- 1. Non-retail container labelling
- 2. Digital labelling regulation



- 1. Allergen labelling
- 2. FOPNL and Nutrient Profile Model
- 3. Tolerance level for BOPNL
- 4. BOP nutrition labelling language



- Non-retail container labelling
- 2. Tolerance level for BOPNL





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REGIONAL DEVELOPMENT ON FRONT-OF-PACK NUTRITION LABELLING (FOPNL)





FIA LANDSCAPE REVIEW ON FRONT-OF-PACK NUTRITION LABELLING (FOPNL) & RELATED NUTRITION PROFILE MODELS (NPM)



- ☐ Overview of **key policy and regulatory developments** pertaining to FOPNL and NPMs within Asia and beyond
- ☐ Summarise **country-level status** of FOPNL and NPMs systems in a heat map format
- Overview of key FOPNL systems and related NPMs that are implemented, due to be enforced or under discussion in Asia as well as in several key markets beyond Asia
- Outlines the various categories or types of FOPNL systems and NPMs that exist

You may access report here



SINGAPORE NUTRI-GRADE SCHEME – TIMELINE

30 DEC 2022

The Nutri-Grade labelling and advertising prohibition measures for beverages sold in Singapore in prepackaged form and from non-customisable automated beverage dispensers have come into effect. Nutri-Grade beverages graded "C" or "D" (>5 g of free sugars and 1.2 f of saturated fat per 100 ml) must be labelled with a Nutri-Grade mark on the front-of-pack of its package for pre-packaged products.

30 DEC 2023

The Nutri-Grade labelling and advertising prohibition measures is extended to freshly prepared beverages sold at specific settings in Singapore. Toppings that can be added to freshly prepared Nutri-Grade beverages, such as pearls, ice cream, and whipped cream, must have their sugar content declared on labels.

DEC 2021

The Singapore Government decided to introduce mandatory nutrition labels and advertising prohibitions for Nutri-Grade beverages. Together, these measures aim to help consumers identify beverages that are higher in sugar and saturated fat and to reduce the influence of advertising on consumer preferences, thus encouraging more informed, healthier choices and spurring industry reformulation.

JUN 2023

Additional measures were gazetted on 30 June 2023, which come into effect on 30 December 2023. The scheme will be extended to freshly prepared beverages that are prepared by hand at the place/premise where they are sold, or those that can be customised by the consumer, as well as customisable beverages dispensed from automated beverage dispensers.

JUN 2024

All beverages sold in the government premises **must meet the nutrient thresholds for Grade A or B under the Nutri-Grade grading system** (≤5 g of free sugar and ≤1.2 g of saturated fat per 100 ml). Creamers, evaporated milk and condensed milk served on the side must be lower in saturated fat.



PROPOSED FOPNL SCHEME IN INDONESIA – TIMELINE

BPOM proposed the "traffic light" labelling scheme in 2016-2018 but failed to gain support from MOH

APR-MAY 2023

Members from the Indonesia Food and Beverage Manufacturers Association(GAPMMI) reported that they met with Director-level officials from the Ministry of Health (MOH), reiterating their discussions and verbal agreement from back in 2016-2018 on not implementing a "traffic light" scheme.

SEP 2023

BPOM shared that they are still holding internal interdirectorate consultations for the Traffic-Light scheme, specifically on whether the scheme is implementable or there are other alternatives for disclosing high Sugar-Salt-Fat (SSF) levels. BPOM also mentioned that a public consultation will follow only after the inter-directorate talks are completed, which might take another 2-3 months.

17 APR 2023

The Head of the Food and Drugs Monitoring Agency (BPOM), Penny Lukito, <u>stated</u> that **BPOM** is considering a "traffic light" labelling scheme on the front-of-packs. Lukito explained that the red-, yellow-, and green-colored labels would focus on sugar, salt, and fat (SSF) information improve awareness on safe daily intake levels of SSF content.

A former BPOM senior official source confirmed that the traffic light scheme is one of the several items proposed to be included in the PerKa 20/2019 amendment, though it was speculated to be among the lower priorities to be included. Meanwhile GAPMMI personnel stated that if the traffic light scheme is to be included in the amendment, they will begin advocacy efforts to reject the traffic light scheme but accept "a more lenient application" of mandatory FOPNL on SSF disclosures, subject to further discussion with BPOM and Ministry of Industry (MOI). These include only highlighting SSF daily intake percentages on FOPNL, accepting high/medium/low SSF classification but without color codes or for the FOPNL SSF disclosure to follow the BOPL nutritional value table i.e., only highlighting SSF content/percentage for 1 serving size.

JUN 2023

JAN 2024

The Deputy Minister of Health, Dante Saksono Harbuwono, shared that Indonesia plans to follow Singapore's path by implementing FOPNL for packaged sweetened drinks as well as other products high in sugar, salt and fat.





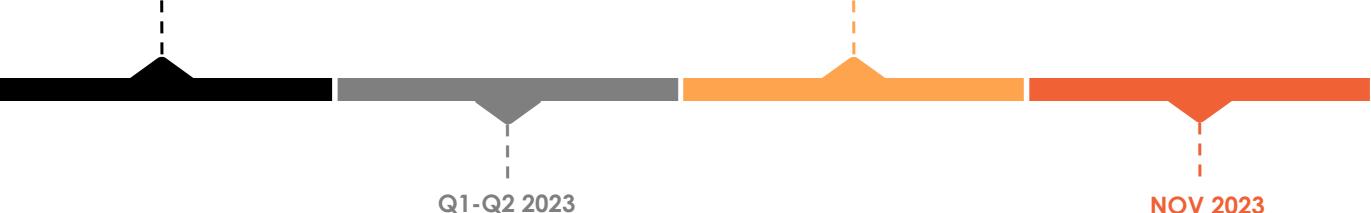
JUL 2022

Senator Joel Villanueva files Senate Bill No. 576 seeking to introduce a **traffic** light labelling scheme on all food packages. The fat, saturated fat, sugar and salt content of food will be represented by red, yellow or green colours based on their amounts.

Q2-Q3 2023

The Food and Nutrition Research Institute (FNRI) was commissioned by the National Nutrition Council (NNC) to conduct focus group discussions (FGDs) to identify the ideal attributes of an FOPNL that would effectively help the public to make wise purchasing decisions, across stakeholder groups (industry and consumers). The information gathered from the FGDs will go towards creating an FOPNL system useful and relevant to Filipinos.

Should the Philippines Department of Health adopt the FOPNL created, this FOPNL will replace the current Sangkap Pinoy Seal Program.



Senator Raffy Tulfo files **SB1684**: Health Rating Label Act, mandating food product packages to be marked with ratings from 1 (least nutritious) to 5 (most nutritious). The rating is calculated based on the total energy, saturated fat, sodium, sugar and fiber content of the product. Due to multiple bills on nutrition labeling filed in the Senate, the Committee on Health and Demography will likely create a Technical Working Group (TWG) to study the multiple bills on nutrition labeling to consolidate the bills into a single bill.

The Philippines released its proposed Nutrient Profiling Model (NPM), modelled after the Pan-American Health Organisation (PAHO) NPM, and can be used for FOPNL warning labels. The NPM specifically targets processed and ultra-processed products, to due their tendency to contain elevated amounts of sodium, free sugars, saturated fat, total fat and trans-fatty acids.

Sodium	Free	Other	Total fat	Saturated	Trans fat
	sugars	Sweeteners		fat	
\geq 1 mg of	\geq 10% of	Any	\geq 30% of	\geq 10% of	0 g
sodium per	total	amount of	total	total	
1 kcal	energy	other	energy	energy	
	from free	sweeteners	from total	from	
	sugars		fat	saturated	
				fat	



THAILAND: PROPOSED MARKETING RESTRICTIONS & SUBORDINATE LAWS

On 23 May 2023, Thailand's DOH published the 1st version of the **Draft Act to Regulate the Marketing of Food and Beverages Affecting Children's Health** and an academic paper outlining a targeted nutrient profile model (NPM). The Act is due to serve as the mother act under which seven to eight subordinate regulations will be developed to complement it, covering topics such as **warning signs**, and a **NPM**.

KEY DETAILS/UPDATES

DRAFT M2K ACT

- Proposes the **prohibition of advertising** of F&B that affects children's health **on all channels**, and would result in **labelling restrictions** as well as **restrictions on where** such products can be sold
 - F&B that affect children's health = primarily HFSS
 - Less focus on originally suggested marketing prohibitions on LNCS (artificial & natural) and energy drinks containing caffeine - inclusion TBC
- Children = individuals <18 years
- Due to be implemented in phases 1st phase limited to beverages & snacks
- The grace period for compliance has been extended from 180 days to 365 days, with further certain clause specific grace periods purportedly under consideration
- The working group for the Draft Act was set to meet on 21 February 2024 to finalise
 the initial draft and present it to the Steering Committee, however this meeting has
 been postponed to late March due to disagreements between the DOH & the FDA
 - The FDA views advertising as under their purview and that the Draft Act overlaps their labelling regulations
- The DOH has no intention of holding a 2nd public consultation on the Draft Act

NPM

- The DOH is pressuring the FDA to adjust the healthier choice logo (HCL) beverage standard to match its NPM, while the FDA is trying to convince the DOH to use the current HCL as a benchmark for the Draft Acts NPM
 - o E.g. 6g/100ml → 5g/100ml
- The DOH has acknowledged the currently proposed NPM is too strict and is conducting more market research to support future revisions -> more products will be permitted to be advertised
 - Internal studies have shown under the current model c.88% of F&B products would not be permitted to be advertised
- Progress on establishing a committee tasked with reassessing the NPM has been stalled due to input from UNICEF, who are assisting with the revision - The DOH is trying to balance UNICEF's academic justifications with realistic market considerations



FIA ACTIONS

- Submitted a response aligned with the Federation of Thai Industries (FTI) during the public consultation period that ended on 30 June 2023.
- Assisting FTI with a white paper in efforts to push back against the tax.
- Plan to engage in focus group discussions anticipated to take place throughout the development of the subordinate laws.

Q2/Q3 2025 is the earliest anticipated time frame for implementation of the Draft Act, after which the new NPM is due to be published for public hearing, earliest in 2026.





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GLOBAL NON-REGULATORY INITIATIVES ON DIGITAL LABELS

<u>U-Label</u> was developed for the wine and spirit industry in EU to provide the list of ingredients and nutritional information for alcoholic beverages digitally in all 24 official EU languages. Additionally, it encompasses responsible drinking guidelines and sustainability information.

NumAlim established a digital food & beverage product information platform in France to provide consumers with a list of reliable and accurate product information, with a focus on information related to packaging, such as presence of compostable packaging, incorporation of recycled material and recycling information.

• EU

The South Korea's Ministry of Food and Drug Safety (MFDS) piloted a <u>Smart Food QR</u> <u>project</u> for **selected products to have their food information and traceability information** presented in a QR code.

USA

The Consumer Brands Association developed a <u>SmartLabel</u> <u>platform</u> that allow consumers to scan a QR code and have **access to the detailed product information**, including nutrition information panel, nutrition claims, list of ingredients, allergen labelling, bioengineered disclosure, instructions for use, recycling information, recipes, third-part certifications for ingredient standards and social compliance programmes.

Zhejiang Provincial Administration for Market Regulation in collaboration with GS1 set up a Global Migration to 2D Project in Zhejiang Province that integrates with the Zhejiang Food Traceability Chain, a food safety traceability closed-loop management system.

South Korea

China

GS1 Australia partnered with Woolworths to drive a pilot program on <u>2D barcodes and Digital Product Labels</u> in Australia.

▶Australia

Australia has commissioned a study to look into potential for digital food labelling in Australia. The report found that the food industry is already considering ways to collect and provide digital food product information



REGULATORY DEVELOPMENT ON DIGITAL LABELS BEYOND ASIA

EC permits grapevine and aromatised wine products to <u>declare the full nutrition and list of ingredients via electronic means</u> solely.

France • E

USDA permits the <u>disclosure of bioengineered</u> <u>food</u> and ingredients with electronic or digital links. The accepted technologies include QR codes that are detectable by consumers and digital watermark technology that is imperceptible to consumers but can be scanned anywhere on a food package using a smartphone or other device.

USA

France published an Anti-Waste law for a Circular Economy in 2020, requiring a mandatory provision of information related to the environmental characteristics of products (Recycled material rate, Recyclability, Ability to compost, Re-use possibilities, Sorting instructions...). This information can be provided by electronic means on a dedicated and neutral platform.

CODEX

In 2021, Codex Committee on Food Labelling agreed to develop a broad guidelines for the use of technology in food labelling that encompasses the food information provided through technology that is referenced or linked from a physical label.

ISO

ISO established a multi-part standard ISO/IEC 226603 to establish the general requirements for electronic product labelling which can be applicable to all types of product regardless of industry.



REGULATORY **DEVELOPMENTS** ON DIGITAL LABELS IN ASIA

The Korea Ministry of Environment (MOE) proposed a mandatory label free QR code display for drinking spring water manufactured in Korea.

The Chinese National Health Commission (NHC) released a revised draft GB 7718 National Food Safety Standard for General Rules for the Labelling of Prepackaged Food. The revision encourages the use of 2D barcodes to display food information for both retail and non-retail prepackaged food products. Furthermore, additional guidelines for the presentation of 2D barcodes have been included in a dedicated section within the standard.

India

South Korea

The Korea Ministry of Food and Drug Safety (MFDS) proposed permitting certain labelling requirements for food products, livestock products and health functional food, such as the product name, content and allergens, may be permitted to be presented using barcodes or other electronic methods.

China

Taiwan

The Food Safety and Standards Authority (FSSAI) permits the use of barcode or Global Trade Identification Number (GTIN) as a method of presentation for the address of the brand owner and license number of the manufacturer, packer, **bottler** for both retail and non-retail prepackaged food products. **Nutrition information** may also be provided in the GTIN as well.

The Ministry of Science and Technology (MOST) published a circular to permits food packaging tools and materials to display instruction of use information by electronic methods.

Vietnam

The Taiwan Food and Drug Administration (Taiwan) FDA) permits food containers or product with outer packaging less than 20 cm² to display food information, including list of ingredients and nutrition information, in the form of QR code or other electronic means. Nutrition labelling for ready-to-eat fresh bulk foods are also permitted to be displayed in the form of QR code or other electronic means that is fixed or printed on the label that is not easy to wear off.

The National Agency of Drug and Food Control (BPOM) requires processed food and special nutrition processed food to apply 2D Barcode Identification on the product label. The barcodes contain information of registration number, expiry date, batch number, production code and serial number. Nutrition value information are also permitted to be presented in the form of 2D barcodes for food products with packaging surface area less than or equal to 30 cm² and glass bottles that are reusable or returnable.

Singapore

Indonesia

The Singapore Food Agency (SFA) published a draft amendment to the Food Regulations proposing the declaration of statement of ingredients, lot identification, statement for food containing aspartame, direction of use and storage condition though a website or other electronic record for food packed in small units, where the largest surface area is less than 10 cm².

www.foodindustry.asia







FOOD SAFETY APPROACH

- □ Address challenges arising when **physical labels cannot be updated timely** due to sudden shortage of food ingredients etc.
- □ Ensure information presented on **small unit prepackaged food** where the largest surface area is less than 10 cm² is **comprehensive and easily legible**
- ☐ Provide accessibility features like text-to-voice for specific consumer demographics, such as those with visual impairments, to access food information
- Offer translation of the printed information into native languages or languages based on user's phone settings to enhance comprehension



SUSTAINABILITY APPROACH

- ☐ Minimise packaging waste caused by changes in labelling regulations by **integrating it during the transitional phases**, such as for FOPNI
- □ Address rising consumer demand for transparency regarding the origin of products
- ☐ Offer additional voluntary information that may not be accommodated by physical labels, such as sustainability information

FOR DISCUSSION:

Do you agree with the proposed approaches? Are there alternative strategies that you believe could be more effective or efficient in advocating for the adoption of digital labelling in the region?





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Update on Codex Committee on Food Labelling (CCFL) Agenda





Food Allergen Labelling and Precautionary Allergen Labelling (PAL)

The electronic working group (EWG) has been reconvened to continue developing the revision of the General Standard of the Labelling of Prepackaged Foods (GSLPF) relevant to food allergen labelling. Additionally, the EWG is tasked with drafting guidelines for the precautionary allergen labelling, which will be included as an annex to the GSLPF.

Key revisions in the 1st consultation paper:

- □ Definition of "food allergen" as "food or ingredient [or substance or processing aid] used in food" to align with existing definition of 'food' and 'ingredients', which cover 'substance', 'food additive' and 'processing aid'
- ☐ Inclusion of the **scientific names for the specific tree nuts** (almond, Brazil nut, cashew, hazelnut, macadamia, pecan, pine nut, pistachio and walnut)
- □ Declaration of 'sulphite' (total concentration of sulphur dioxide and sulphur dioxide equivalents) when the product sold is at a total concentration of 10 mg/kg
 - FIA propose extending the specified name declared to "sulphur dioxide" as well
- ☐ Determine the allergen declaration format
 - a) In the list of ingredients with an optional summary statement directly under
 - b) In the list of ingredients, a summary statement directly under, or both
 - c) In the list of ingredients and/or a summary statement directly under and beginning with the word 'contains' (or equivalent word)
- ☐ Generic provision for allergen labelling exemption will be provided in the subsequent consultation paper
- □ Acknowledge that both qualitative and quantitative risk assessment approaches can be utilised to characterise and quantify unintended allergen presence
- ☐ Introduction of a new principle on consumers education on PAL
- □ FIA is requesting further clarity on the management of allergen cross-contact risks within vulnerable groups, criteria for risk assessment, and the incorporation of PAL in the General Standard for the Labelling of Non-Retail Containers of Foods.



Use of Technology to Provide Food Information in Food Labelling

Consultation papers were released in Nov 2023 and Feb 2024 respectively, gathering comments on separation of food information from other commercial information intended for sale or marketing purposes, data protection requirement and requirements on the information presentation using technology. Most of our comments in the 1st round of consultation has been adopted.

Key revisions in the 2^{nd} consultation paper:

- □ When mandatory food information that is provided solely using technology, the reference on the label shall link [directly/clearly/in a clear manner] to this information. The mandatory information shall be readily identifiable, grouped together and easily distinguishable from other information.
- ☐ Mandatory food information provided using technology 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
- □ Re-introduction of the text in Section 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].



Guidelines on Flexibilities to the Application of Food Labelling in Emergencies

Due to the diverse range of opinions raised on this topic, the new work proposal will undergo revision to enhance clarity, particularly regarding its scope.

Consultation papers were issued in November 2023 and February 2024, seeking feedback on the proposed direction of the guidance, and the identification of potential emergency scenarios and labelling flexibilities.

Key revisions in the 2nd consultation paper:

- □ Development of a **high-level principles and criteria for pre-**, **during and post-emergency assessments**
 - Identification of available authorities to grant flexibilities in an emergency
 - Establishment of a transparent and risk-based plan for considering requests for food labelling flexibilities during emergency
 - Implementation of temporary flexibility in non-food safety or low-risk food labelling requirements to address emergency-related disruption in the food supply
 - Transparent communication with all stakeholders during and after the emergency
- □ Outlined the intended meaning of "emergency", along with the identification of possible emergency scenarios

"An emergency is understood to mean an exceptional and temporary event that causes significant disruption to the international food supply chain, in whole or in part. Emergencies and consequent supply chain disruptions may occur due to human pandemics, animal disease outbreaks, natural disasters, disruption of critical infrastructure networks, war, or famine, as well as combinations of these and other scenarios."

- Establishment of a list of **possible labelling flexibilities**, such as labelling format flexibility, alternative ingredient list, slight variations in nutrition information, flexibility around language labelling requirements and depletion of existing labelling stock
- ☐ Consideration of **reviewing the GSLFP regarding ingredient substitution** as a separate area of the proposed work



Provision of Food Information for Prepackaged Foods offered via E-commerce

The 1st consultation paper was released in Nov 2023, gathering comments on the voluntary indication of durability, removal of the labelling exemptions for small unit, and having food information provided without any costs to the consumers.

In FIA's response, we indicated our disagreement with the inclusion of text relating to the indication of durability as it increases the complexity of the already complex global supply chain and could increase food wastage.

Establishment of a Definition on Added Sugars

A new work discussion paper will be prepared to consider the establishment of a definition on added sugars and its potential inclusion in the nutrition declaration.

FIA supports the establishment of a clear definition of "added" sugars, referencing the WHO Guideline on Sugar Intake for Adults and Children from 2015, and voluntary declaration of added sugars on the nutrient information panel. Nevertheless, we are concern on the absence of analytical methods to measure added sugars.

Food Labelling in Food Formats Joint Presentation and in Multiple Packages

A new work will be undertaken to amendment to the General Standard for the Labelling of Prepackaged Foods, along with the consideration of the General Standard for the Labelling of Non-Retail Containers, to address the lack of international guidelines and standardised definitions for multipack or joint presentation.

As of now, the EWG has not release any discussion paper.

Labelling Options to Support the Reduction of Trans Fatty Acids

Following the decision made at the Codex Committee on Fats and Oils (CCFO) to initiate new work on limiting TFAs or prohibiting PHOs, the discussion will resume at CCFL.

Our stance at FIA remains unchanged: We do not support the mandatory declaration of TFA and declaration of PHOs by their specific names.



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