

E-FORUM ON THE ROLE OF CODEX IN THE IMPLEMENTATION OF THE GLOBAL STRATEGY ON DIET, PHYSICAL ACTIVITY AND HEALTH

COMMENTS FROM THE U.S. DELEGATE TO THE CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES (CCNFSDU) AND THE CODEX COMMITTEE ON FOOD LABELLING (CCFL)

MARCH 31, 2006

I. General Comments

The United States is pleased to offer the following preliminary comments from the U.S. Delegate to the above Codex committees in response to the e-Forum questions. At the 28th Session of the Codex Alimentarius Commission, the Commission agreed with a recommendation of the 56th Session of the Executive Committee to ask WHO, in cooperation with FAO, to produce a more focused document for consideration by the CCNFSDU and CCFL regarding potential areas for action in the implementation of the Global Strategy on Diet, Physical Activity and Health (Global Strategy/DPAH).¹ The United States offers a few preliminary comments at this time, but emphasizes the need for a more in-depth analysis of the issues by the CCNFSDU and CCFL within the broader context of the Codex mandate and priorities before making any recommendations.

II. Specific Comments in Response to Questions Posed on the WHO Web Site

e-Forum Q 1

1. Does the Codex Alimentarius Commission have a role in the implementation of the Global Strategy/DPAH?
 - a. If yes. Please describe (what) that role should be. Please include in your consideration the topic areas that are relevant. Are the following areas pertinent: (i) food composition standards, and (ii) provision of nutrition and health information about foods to facilitate informed choice by consumers?

1. U.S. Comments

1a. Pertinence of Global Strategy/DPAH to Codex mandate and priorities

The U.S. believes that certain Codex texts already play a role in the implementation of the Global Strategy/DPAH, and that some of the current and future work of the CCNFSDU and CCFL will also be applicable. However, a more in-depth analysis by CCNFSDU and CCFL would be needed to examine the relationship between the work of these Codex committees and the Global Strategy/DPAH. This would consider, among other things, the relationship between the mandate and priorities of the CAC and its subsidiary bodies and the goal and objectives of the Global Strategy/DPAH, and the voluntary nature of Codex standards.

¹ ALINORM 05/28/41, paragraph 234 (Report of the 28th CAC Session, 2005).

For example, the main purpose of Codex is to protect the health of consumers and to ensure fair practices in international food trade. The overall goal of the Global Strategy/DPAH is “to promote and protect health by guiding the development of an enabling environment for sustainable actions at individual, community, national and global levels that, when taken together, will lead to reduced disease and death rates related to unhealthy diet and physical inactivity.”² Thus, “protection of consumers’ health” appears to be one area of overlap between the Codex mandate and Global Strategy goal.

1a(i). Pertinence of Global Strategy to Codex food composition standards

With regard to the question of whether “food composition standards” are pertinent to the implementation of the Global Strategy/DPAH, a more in-depth analysis of this question by CCNFSDU and CCFL might consider, among other things:

- 1) the relationship between the purpose of Codex commodity standards and the goal/objectives of the Global Strategy/DPAH;
- 2) whether there are examples of existing Codex food composition provisions and/or new work that relate to the Global Strategy/DPAH;
- 3) whether this question is only directed to Codex food standards within the purview of the Codex subsidiary bodies that are the focus of the planned “actions document” (i.e., CCNFSDU and CCFL)-- as opposed to a broader question encompassing all Codex food standards; and
- 4) the voluntary nature of Codex standards.

With regard to the purpose of Codex food standards, the U.S. notes that they are also aimed at “protecting consumers’ health and ensuring fair practices in the food trade”.³ Furthermore, “Codex standards contain requirements for food aimed at ensuring for the consumer a sound, wholesome food product free from adulteration, correctly labeled and presented”⁴. The Format for Codex Commodity Standards indicates the statements which should be included in standards, and provides that the food standard should indicate the essential characteristics and quality factors of a food with the object of *protecting* consumer health and *preventing fraud*.⁵ It needs to be determined whether, and if so, how this scope for food standards relates to their use in the *promotion* of health of consumers.

The U.S. further observes that while one of the Global Strategy/DPAH objectives is “to encourage the development, strengthening and implementation of global, regional, national and community policies and action plans to improve diets and increase physical activity...”⁶ the Global Strategy/DPAH also reaffirmed that “appropriate levels of intakes for energy, nutrients and foods, including free sugars, salt, fats, fruits, vegetables,

² Global Strategy on Diet, Physical Activity and Health. WHA 57.17.p.7.

³ Codex Alimentarius Procedural Manual, 15th edition. p.31

⁴ Ibid.

⁵ Codex Alimentarius Procedural Manual, 15th edition. pp. 88-9.

⁶ Global Strategy on Diet, Physical Activity and Health. WHA 57.17.p.7.

legumes, whole grains, and nuts shall be determined in accordance with national dietary and physical activity guidelines based on the best available scientific evidence and as part of Member States' policies and programmes taking into account cultural traditions, and national dietary habits and practices.” In addition, most Codex food standards are for foods that constitute only part of consumers' total diet, again underscoring the need to consider flexibility with nutrient provisions for their appropriate application at the national/regional level.

Because the CCNFSDU focuses on standards for foods for special dietary uses, which are comprised primarily of foods for infants and young children, it is unclear how the Global Strategy is pertinent to all of the standards under CCNFSDU's purview.

1a(ii). Pertinence of Global Strategy/DPAH to Codex food labeling provisions

With regard to the question of whether “provision of nutrition and health information about foods to facilitate informed choice by consumers” is pertinent to the implementation of the Global Strategy/DPAH, a more in-depth of analysis of this question by the CCFL and CCNFSDU might consider, among other things:

- 1) the relationship between the purpose of Codex labeling provisions and the goal/objectives of the Global Strategy/DPAH;
- 2) whether there are examples of existing Codex labeling provisions and/or new work that relate to the Global Strategy/DPAH; and
- 3) the voluntary nature of Codex standards.

For example, the U.S. notes a number of examples of past and current Codex work related to food labeling which might be the focus of further analysis within the mandate and priorities of Codex.

As identified in paragraph 10a in the recent WHO/FAO discussion papers circulated to the CCNFSDU⁷ and CCFL⁸, nutrition labeling provides important information about the nutrient contents of food and thus provides a useful tool for consumers to use in selecting foods that comprise a healthy diet. The *Codex Guidelines on Nutrition Labelling* currently offer governments a possible framework for considering nutrition labeling regulatory provisions (e.g., through the identification of nutrition labeling principles, definitions, and nutrition labeling content and format). The U.S. further notes current Codex work to update the definition and methods of analysis for dietary fibre and to provide for a definition of *trans* fatty acids. The CCNFSDU is also engaged in new work to update the Codex Nutrient Reference Values for food labeling purposes, in which the establishment of general principles is an essential initial component.

The U.S. also agrees with the statement in paragraph 10b of the WHO/FAO discussion papers that the *Codex Guidelines for Use of Nutrition and Health Claims* provide an important asset for the implementation of the Global Strategy/DPAH. These guidelines offer governments a possible framework for considering regulatory provisions for

⁷ CX/NFSDU 05/27/2-Add.1

⁸ CX/FL 06/34/2-Add.1

nutrition and health claims (e.g., through the identification of principles, definitions, and criteria for nutrition claims including claims that a food is low in or free of saturated fat, cholesterol and/or sodium). As discussed later, the CCNFSDU is also engaged in new work to provide recommendations for governments on the scientific basis of health claims.

e-Forum Q 2

2. Are the following issues pertinent to Codex Committees' activities related to the implementation of the Global Strategy/DPAH?
 - a. scientific advice about the nature of the evidence needed to support the use of health claims.
 - b. scientific advice concerning consumer use and understanding of labelling and/or labelling approaches and formats.
 - c. Are there other areas whether scientific advice would be pertinent?
 - i. authoritative statements about the attributes of a diet in reducing risk of a diet-related disease, especially what impacts there would be on the health of consumers if the amount of energy/nutrients is increased or decreased.
 - ii. risk assessments for nutrients and related substances in relation to the Global Strategy/DPAH.

2. U.S. Comments

2a. Scientific advice about the nature of the evidence needed to support the use of health claims

The U.S. agrees that current Codex work to provide recommendations to governments about scientific evidence to substantiate health claims is related to the implementation of the Global Strategy/DPAH, and is an important area for current Codex work.

2b. Scientific advice concerning consumer use and understanding of labeling and/or labeling approaches and formats

The U.S. recognizes the importance of consumer research to examine the best approaches to food labeling formats and statements made on the food label, and to evaluate consumers' use of food labeling components. The U.S. emphasizes, however, the need to differentiate between research that would be applicable at the national/regional level versus the global level. The U.S. also questions how any proposals to provide advice to governments on consumer use and understanding of labeling fit within the context of the mandate and priorities of Codex.

2c(i). Authoritative statements about the attributes of a diet in reducing risk of a diet-related disease, especially what impacts there would be on the health of consumers if the amount of energy/nutrients is increased or decreased.

The U.S. seeks further clarification about the nature of this question, and can find no reference to this in the CCNFSDU and CCFL discussion papers prepared by WHO/FAO.

Further, the U.S. is unclear on the context of this question, particularly in light of the Global Strategy/DPAH that reaffirmed that “appropriate levels of intakes for energy, nutrients and foods, including free sugars, salt, fats, fruits, vegetables, legumes, whole grains, and nuts shall be determined in accordance with *national dietary and physical activity guidelines based on the best available scientific evidence and as part of member States’ policies and programmes taking into account cultural traditions, and national dietary habits and practices*” [emphasis added].

2c(ii). Risk assessments for nutrients and related substances in relation to the Global Strategy/DPAH

Risk assessment and risk analysis for nutrients and related substances are a focus of recent work by the WHO/FAO and the CCNFSDU. For example, the WHO/FAO recently released a report of the May 2005 Joint FAO/WHO Technical Workshop, entitled “A Model for Establishing Upper Levels of Intake for Nutrients and Related Substances.” The CCNFSDU is in the process of revising a discussion paper on the application of risk analysis to the work of this committee.

The U.S. notes the importance of Codex work in risk assessment and risk analysis as it relates to the Codex goal of protecting consumers’ health. Many provisions within existing Codex texts address nutrients and related food components in support of this Codex goal. These focus on reducing risk from excessive intakes (not unlike food safety considerations with other food substances that are a major focus of Codex work), as well as reducing risk from inadequate intakes (an aspect of risk management specific to nutrients). Examples of Codex work aimed at managing nutrient risk include the establishment of minimum and maximum levels of nutrients and related food components in infant formula, the identification of safe and biologically available nutrient compounds for use in foods for infants and young children, criteria for the establishment of maximum levels in vitamin-mineral food supplements and consideration of the safety and bioavailability of the nutrient sources, food fortification principles, and food safety considerations for nutrients and other substances that are the subject of health claims.

While the U.S. supports continued work by the FAO/WHO and the CCNFSDU on risk assessment and risk analysis as it pertains to nutrients and related substances, these particular projects may encompass aspects of consumer health protection that do not appear to have been included in the scope of the Global Strategy/DPAH.

e-Forum Q3

3. Given the importance of nutrition issues in general to the Global Strategy/DPAH and the cross-cutting nature of nutrition as a topic that cuts across the Codex system, what process could be used to manage and coordinate nutrition issues throughout the Codex system?

- a. Please respond within the context of Terms of Reference of the CCNFSDU and CCFL.
- b. What role can Codex Committees play in the overall management of nutrition issues within the Codex Alimentarius Commission?

3. U.S. Comments

As noted above, the U.S. believes that Codex is already engaged in several nutrition-related activities and certain Codex texts already address nutrition issues. However, a more in-depth analysis by the CCNFSDU and CCFL would be needed to examine the relationship between the past and future work of these committees and the Global Strategy/DPAH. This would consider, among other things, the relationship between the Terms of Reference of the two Committees and the goal and objectives of the Global Strategy/DPAH, and the voluntary nature of Codex standards.

With regard to the process that could be used to manage and coordinate nutrition issues throughout the Codex system, Codex already has a process to coordinate issues among the Commission and its subsidiary bodies. The U.S. recognizes, however, that there may be merit in further consideration by Codex of various options and strategies to improve management and coordination and increase efficiency in the work of the CCNFSDU and CCFL; the U.S. notes that it has previously engaged in such discussions within Codex and provided recommendations.

The U.S. also supports efforts to prioritize future Codex work on nutrition issues, including standards for foods for special dietary uses as well as Codex texts that are applied “horizontally”, with priority given to work that is most likely to further the goal of Codex to protect consumers’ health.

Finally, the U.S. supports efforts to enhance coordination between the WHO/FAO and Codex in the identification of scientific advice needs and priorities related to nutrients and related substances via WHO/FAO expert consultations and other means.