

EFA statement on the CCFL proposed draft guidelines on internet sales/e-commerce

Prepacked food offered by e-commerce has increased in the last few years. The pandemic has boosted internet sales, leading the market to a radical change; in this scenario, people with food allergies still need accurate and timely information for allergens in their food labeling. The awareness regarding the products is essential to guarantee protection of health, and it's fundamental to adapt this technological change in the direction of care and sustainability.

Aligned with our suggestion to include non-prepacked food in the scope of the General Standard for the Labelling of Prepacked Food (GSLPF), we would like to include non-prepacked food also within the scope of the guidelines on the internet sales/e-commerce of food.

EFA has reviewed the proposed draft guidelines on internet sales/e-commerce of the Codex Committee on Food Labelling and would like to draw your attention to the following considerations.

In **Section 3: General principles**, it is indicated that:

*'All food information requirements within the GSLPF and any other Codex texts shall be met **at the point of delivery** through the information provided on the product label, unless specified otherwise within this text.'*

At EFA we believe that foods supplied through internet sales/e-commerce must be subject to the same information requirements for foods sold in stores. Given the context, it is necessary to clarify that mandatory information on foods must be available before purchasing. This is because consumers with food allergies need to be able to make informed choices on whether to purchase food, based on knowing if it is safe for them to consume. Therefore, all ingredient information must be provided *both at the point of e-commerce sale and the point of delivery*.

EFA's recommendation would be to add 'point of e-commerce sale'.

In the first paragraph of **Section 4: Information requirements for pre-packaged foods sold through e-commerce**, it is mentioned that:

*'Information specified in sections 4 and 5 of the GSLPF (CXS 1-1985) shall, **whenever possible**, appear on the product information e-page or other primary consumer-facing virtual depiction of pre-packaged foods presented for sale through e-commerce prior to the point of e-commerce sale, except to the extent otherwise expressly provided in an individual Codex standard and as noted in Section 5 ("**Exemptions from Food Information requirements**") of this guidance.'*

We think that, for safety reasons, consumers with food allergies always need information about the presence of allergens in their food. There should not be an option for Food Business Operators (FBOs) selling food through e-commerce to not provide relevant allergen information. Thus our recommendation is to replace 'whenever possible' by 'always'.

In addition, small units of food packages sold in physical retailers are exempt from giving ingredient information because of limited labelling space. E-commerce does not have this limitation. Therefore, full ingredient disclosure should be given, independently of the size of the product. EFA's recommendation is that the exemption for ingredient labelling shall not apply to e-commerce/internet sales.

Later in the same section it is stipulated that:

'In some circumstances it may not be possible to provide accurate information on the product information page at the point of sale regarding the above requirements. This includes cases where ingredients may alter slightly from those provided on the product information page owing to ongoing recipe adjustments.'

For safety reasons, consumers with food allergies need to have accurate and up-to-date ingredient information (including Precautionary Allergen Labelling, when necessary) at the time of purchase to make informed food choices. This is especially so in our days, as the world goes through a global pandemic, which has seen online trade of goods, including food, rise. Therefore, EFA's recommendation is to delete the sentence.

Regarding the following provision:

'[If the composition of the pre-packaged food offered for sale through e-commerce is subject to minor variations by the substitution of an ingredient which performs a similar function, the statement of ingredients on the digital product information sheet may list both ingredients in a way which makes it clear that alternative or substitute ingredients are being declared.]

[A statement shall appear on the digital product information page to the effect that the customer should check the information on the physical label before consumption.]'

...as well as on the proposed alternative wording of Section 4.2:

'If the composition of the pre-packaged food offered for sale through e-commerce is subject to minor variations by the substitution of an ingredient which performs a similar function, the statement of ingredients on the digital product information sheet may list both ingredients in a way which makes it clear that alternative or substitute ingredients are being declared.'

EFA would like to ask for some clarifications:

- › **What is considered to be a 'minor variation'? How is this defined?**
- › **What will happen if the substituted ingredient is a priority allergen?**

Prepacked foods always need an ingredient list. In the ingredient list it is not foreseen to include information about minor variations by the substitution of an ingredient which performs a similar function unless a class name is used. This is one of the reasons why mandatory allergen labelling is considered necessary: for safety reasons, consumers with food allergies ALWAYS must be informed on the presence of an ingredient that is a priority allergen. The information about the actual ingredient must be available for consumers with food allergies at the point of e-commerce sale for informed and safe food choices.

EFA would like to suggest to extend the guideline for internet sales/e-commerce to also include non-prepacked food.

EFA reiterates its willingness to contribute in a constructive way to the discussions of the CCFL on allergen labeling and the relevant work of the Codex Alimentarius Commission. Our efforts will always go in the direction of advocating patient/consumers' needs, providing continuous feedback.