



## Information to review before commenting on the *proposed draft Guidelines on the Use of Technology to Provide Food Information*

Codex Australia

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Submission from Allergy & Anaphylaxis Australia

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Canada is pleased to provide a first draft of proposed ***Guidelines on the Use of Technology to Provide Food Information***, attached. These draft guidelines reflect the discussion paper and project document supported by members at the 46<sup>th</sup> session of the Codex Committee on Food Labelling (CCFL), which can be referenced in the *Discussion Paper on Innovation – Use of Technology in Food Labelling* (CX/FL 21/46/9) and the *Report of the Forty-Sixth Session of the Codex Committee on Food Labelling* (REP21/FL).

During the development of this draft, the following considerations were noted that may help guide eWG members' review:

- The project document proposed to address the application of the General Principles in Section 3 of the *General Standard for the Labelling of Prepackaged Foods* (GSLPF) to labelling information provided using technology directly in the GSLPF. However, during the development of draft text, it was determined that this could have impacts on the Scope and other sections of the GSLPF beyond what was originally envisioned. As such, **the intent of objective 3(a) of the project document is covered by sections 4(1) and (2) of the draft guidelines attached.** The draft guidelines are also intended to cover objective 3(b) of the project document.

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- Members of the eWG will note the introduction of a definition for “food information” in the draft text. In preparing the draft, it was determined that the terms “label” and “labelling” both refer to a physical label attached to a food and as such, are inherently unsuitable to describe information provided separately using technology. **The term “food information” is proposed** as a suitable term to refer to information provided in reference to a prepackaged food, but not on the label or labelling itself. It is acknowledged that this term also appears in draft texts of the eWG on e-commerce/internet sales. While the intent behind the term is consistent for both eWGs, the chair of this eWG is committed to coordinating with the UK (chair of the e-commerce eWG) and co-chairs in order to achieve consistency across texts.

## **Questions**

In addition to inviting general comments on all sections of the draft guidelines, **specific comments on the following questions** are requested:

- 1. Should these guidelines only apply to food information provided through technology that is referenced or linked to from a physical label? Or should these apply more broadly to food information on electronic or digital platforms that a consumer accesses without being prompted to seek out the information because of a reference or link on the physical label? Please consider in your response the possibility for third parties not directly responsible for the sale or marketing of the food being scoped into the application of this text.**

Food information related to some online food purchases (e.g. meal kits such as Lite n’Easy, Hello Fresh, Marley Spoon) should be required to meet these guidelines. It is vital that food ingredient information is readily accessible and accurate to allow safer food choices for people with food allergy. Allergy & Anaphylaxis Australia regularly reports discrepancies between online information on ingredients and ingredient information on pack. A code (such as QR or bar code) on pack that automatically updates any mention of the same food product online is required to increase consumer safety. This should include any third parties that have food for sale on an online platform. Currently some providers that do not provide food information clearly online have difficult to navigate systems to obtain that information (such as no phone line or contact form). People with food allergy therefore cannot make an informed choice on whether a food is appropriate for them to order or not.

As online shopping has dramatically increased over the last two-year period, we need to do what we can to increase safety for those with dietary needs. It is onerous for people to always ensure the ingredients of a product they have ordered online matches the product they receive.

- 2. Do members consider the proposed draft guideline #7 to fall within the scope of CCFL’s role?**

Yes, information needs to be easily accessible as unnecessary barriers make it more difficult for consumers to access information and consequently make safer food choices. That said, where information is accessible, it needs to be accurate as the consumer with food allergy makes decisions on whether that food is appropriate by whatever information is available.

- 3. Are there exceptional circumstances where information that is required on a label should also be required to be provided using technology? For example, some information on the labels of prepackaged foods sold in vending machines is not accessible to read before purchasing due to its manner of sale.**

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Yes, it would be valuable to have access to accurate/current food information (such as those on food within a vending machine) via technology whereby this information is not otherwise accessible.

**4. Do you see any gaps in the draft guidelines?**

We suggest that a gap in the draft guidelines is the issue of substitution with online ordering of packaged food. People with food allergy should always be able to select/request that there is no substitution made as it is a risk to their health. This is especially the case if the person ordering does not pack away groceries and therefore fails to see that a product is not the same as they ordered. Retail chains do sometimes turn off the *no substitution* button because demand is so high so everyone ordering packaged food online MUST be open to receiving substitutions. This increases risk to individuals with potentially life-threatening food allergy.

Another gap in understanding is around food service staff using packaged food when they make menu items for purchase at/from their restaurant/food service facility. Food service staff order packaged food products online and need to understand the importance of having accurate information available through online platforms. The actual label of the product should be checked to ensure the product contents meet their expectations.

**5. Will the draft guidelines stand the test of time should there be future developments in technological means to convey information about food?**

We are not sure that we can say with any certainty that the draft guidelines will address all requirements in the future, however we ask that food allergen safety is a consideration of every step forward when it comes to technological developments in the food space.

**6. Beyond linkages to the CCFL work on internet sales/e-commerce, do eWG members foresee any impacts on other Codex texts that would need to be considered during the development of these guidelines?**

No

# PROPOSED DRAFT GUIDELINES ON THE USE OF TECHNOLOGY TO PROVIDE FOOD INFORMATION

## 1. Purpose

Provide guidance on the use of technology to provide information about prepackaged foods.

## 2. Scope

These guidelines apply to information that is the subject of a Codex standard or related texts about a prepackaged food<sup>1</sup> that is accessed using technology [via a reference on the prepackaged food's label<sup>1</sup> or labelling<sup>1</sup>]. For the purposes of this document, technology refers to any means other than the label or labelling, such as websites or other electronic and digital platforms.

## 3. Definitions

3.1 "Food information" means the information about a prepackaged food that is the subject of a Codex standard or related text.

## 4. Principles for the Use of Technology in Food Labelling

Food information that is accessed using technology [via a reference on the prepackaged food's label or labelling] should be based on the following principles:

- (1) Food information [should/shall] not be described or presented using technology in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.<sup>2</sup>**
- (2) Food information [should/shall] not be described or presented using technology by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.**
- (3) Food information described or presented using technology [should/shall] be consistent with information provided on the label or labelling of the prepackaged food, including when shown in different languages.**
- (4) Information required by a Codex standard or related text to be shown on a label or labelling of a prepackaged food [should/shall] not be replaced by food information provided using technology unless specifically provided for within that Codex standard or related text.**

There should not be an exemption allowing food information provided by technology to replace a label on prepackaged food. We do NOT want only the use of technology, but also the label. The label information and online information must be accurate and consistent. Although we tell people to read the label three times (on purchase, when packing away at home and just prior to use) we cannot presume this happens.

- (5) If a Codex standard or related text exempts certain information from being shown on the label [or labelling] of a prepackaged food (e.g. due to small packaging), a competent authority may decide if that information**

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<sup>1</sup> As defined in the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)*.

<sup>2</sup> Examples of descriptions or presentations to which these General Principles refer are given in the Codex *General Guidelines on Claims*.

[should/shall] be shown using technology, taking into consideration their general population's access to the use of that technology.

- (6) Where required food information is permitted to be provided using technology in accordance with principle (4) or (5), it [shall/should] be described or presented on the first product information page that appears.
- (7) Food information described or presented using technology [should/shall] be accessible to purchasers or consumers without having to register, subscribe, log into an account or otherwise provide information to obtain access.
- (8) When the label or labelling of a prepackaged food references food information to be accessed using technology, sufficient information [should/shall] be displayed on the technology platform to enable the purchaser or consumer to ascertain that the food information pertains to that prepackaged food.

Sufficient information should include Precautionary Allergen Labelling (PAL) statements.

- (9) If the reference is a machine readable code shown on the label or labelling that links to food information that is to be accessed using technology, it [shall/should] be accompanied by an explanatory statement of how to use it, such as "scan here for more information".
- (10) The reference and its explanatory statement shown on the label or labelling of a prepackaged food that links to food information to be accessed using technology [should/shall] meet sections 8.1.2 and 8.1.3 of the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985). If the reference is a machine readable code, it [shall/should] be of sufficient size to be easily and effectively scanned or read by a digital device.
- (11) Food information described or presented using technology [shall/should] be clear, prominent and readily legible to the purchaser or consumer under normal settings and conditions of use of the technological platform.
- (12) Food information described or presented using technology [should/shall] be shown in a language that is acceptable to the purchaser or consumer for whom it is intended.

Yours faithfully,

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**Chief Executive Officer**  
**Allergy & Anaphylaxis Australia**

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