



Codex Point of Contact for Canada
Food Directorate, Health Canada
Room C416
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Ottawa, ON K1A 0K9

February 25, 2022

Submitted Via Email

To Whom It May Concern:

RE: #15759507 – Draft guidelines on the use of technology to provide food information

On behalf of the Canadian Produce Marketing Association, it is my pleasure to provide comments to inform the Government of Canada's contribution to the Codex consideration on the use of technology to provide food information.

About CPMA

The produce industry generates over \$17 billion annually in economic activity throughout the supply chain and supports over 249,000 jobs across Canada. Based in Ottawa, the Canadian Produce Marketing Association (CPMA) is a not-for-profit organization representing companies active in the marketing of fresh fruit and vegetables in Canada, from the farm gate to the dinner plate spanning the entire produce industry. The Association's members include major growers, shippers, packers and marketers; importers and exporters; transportation and logistics firms; brokers, distributors and wholesalers; retailers and foodservice distributors; and fresh cut operators and processors. Founded in 1925, CPMA is today proud to represent over 850 domestic and international members who are responsible for 90% of fresh fruit and vegetable sales in Canada.

Comments

Promoting international trade and investment with export markets is a priority for the Canadian produce sector. To increase market access and sustainability of the Canadian fresh fruit and vegetable industry, the harmonization of international standards must occur. This requires collaboration both within Canadian governmental agencies, and between the Canadian government and other governments with which we trade.

CPMA would therefore like to provide the following comments and responses to the following questions for consideration related to the use of technology to provide food information.



Question #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.

CPMA comments: These guidelines should only apply to food information provided through technology that is referenced to or linked to from a physical label. This will provide greater flexibility for companies to decide whether they include this technological reference on their label. Given there are French-speaking regions in Canada, this will allow companies to decide whether to translate the food information found on their website, if their product is sold in a market with a different language.

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

CPMA comments: The proposed draft guidelines #7 states that:

"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."

While this may seem like a logical requirement for consumers, this may be problematic for other purchasers, such as wholesalers, retailers, and food service who may be required to log into a software system to be able to access information about food products.

Question #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.

CPMA comments: No comments.

Question #4: Do you see any gaps in the draft guidelines?

CPMA comments:

The proposed draft guidelines #3 and #12 state that:



“#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.”

“#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.”

If a company is required to translate its food information found online/on its website in a market that speaks a different language (e.g., French-speaking regions in Canada), this would be an additional cost to a company and companies should be given enough time to make appropriate modifications. Companies should also be made aware of any applicable language legislation in the jurisdiction where the product is being delivered.

Another recommendation is to also replace the terms “the purchaser or consumer for whom it is intended” to “the market for which it is intended,” as there could be multiple consumer languages in one market. As such, this needs to be left to the supply chain to determine the appropriate languages used.

CPMA comments:

The proposed draft guidelines #5 states that:

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

Further clarification should be provided on who is considered a ‘competent authority’ and what exemptions are applicable online. This lack of clarity could lead to inconsistencies within the Canadian inspectorate. If information is exempt from being on a label (e.g., exemption for nutrition facts table on fresh fruits and vegetables), the rationale for those exemptions should be considered and whether they should appear online. It should be clear what information needs to appear online if an exemption exists to provide regulatory clarity to industry. The Canadian delegation must work to ensure that any Codex Standards under consideration are consistent with labelling requirements under the Canadian government’s recent *Safe Food for Canadians Act, Safe Food for Canadians Regulations*, and recent changes to the *Food and Drug Regulations* – and that any changes will not result in further compliance costs for Canada’s fresh produce industry.

CPMA comments:

The proposed draft guidelines #7 states that:

“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”.”



We do not support this draft #7 guideline. The requirement that a machine-readable code on a label be accompanied by an explanatory statement of how to use it, such as “scan here for more information” is redundant, since individuals who would use a machine-readable code will know they have to scan it. It would also be problematic for smaller labels, which have limited labelling space and must also comply with mandatory bilingual labelling in Canada, as seen in the fresh fruit and vegetable sector.

The proposed draft guidelines #11 states that:

“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.”

This reference should also consider the standards set out in GS1, which is the global body that creates and manages the standards for scannability.

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

CPMA comment: It may be appropriate to include a statement that these guidelines will evolve with technological advancements.

Question #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?

CPMA comment: A consultation was sent out in November 2019 regarding a request for information on innovation and technology in food labelling (CL 2019/82-FL). Comments from this consultation should also be considered.

Where possible, Canadian negotiators should engage with the fresh fruit and vegetable industry as they determine proposed models and implementation plans for the key areas noted in this submission.



Thank you for taking the time to review our comments.

Regards,

A handwritten signature in black ink, consisting of a stylized 'B' followed by a horizontal line.

President