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Food Drug Cosmetic Law JOURNAL

A COMMERCE CLEARING HOUSE PUBLICATION
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THE EDITORIAL POLICY of this JOURNAL is to record the progress of the law in the field of food, drugs and cosmetics, and to provide a constructive discussion of it, according to the highest professional standards. The FOOD DRUG COSMETIC LAW JOURNAL is the only forum for current discussion of such law and it renders an important public service, for it is an invaluable means (1) to create a better knowledge and understanding of food, drug and cosmetic law, (2) to promote its due operation and development and thus (3) to effectuate its great remedial purposes. In short: While this law receives normal legal, administrative and judicial consideration, there remains a basic need for its appropriate study as a fundamental law of the land; the JOURNAL is designed to satisfy that need. The editorial policy also is to allow frank discussion of food-drug-cosmetic issues. The views stated are those of the contributors and not necessarily those of the publishers. On this basis, contributions and comments are invited.

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Table of Contents . . . September, 1964

VOLUME 19 NUMBER 9

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REPORTS

TO THE READER

General Labelling Provisions.—The Legislative Research Branch of the *Codex Alimentarius* Commission, Joint Food and Agriculture/World Health Organization, has compiled a résumé on current food labelling laws. The résumé, prepared for submission at the Commission's second session in Geneva, Switzerland, September 28-October 7, 1964, is based on the answers received from a questionnaire which was sent to a number of countries. Chapter V of the Latin-American Food Code, which concerns labelling provisions, is found at the end of the résumé. This FAO/WHO report begins on the following page.

Food Standards.—President of The Food Law Institute, *Franklin M. Depew* points out the need for international food standards in an article which appears at page 491. It is Mr. Depew's belief that such standards "should be developed on a sound scientific basis—not on misinformation or political expediencies." Harmonization of these standards would not only be in the interest of the consumer and the public health, but would also be in the interest of furthering international trade.

Mr. Depew's remarks were presented before the American Chemical Society, Division of Agricultural and Food Chemistry Symposium on the Impact of Food Laws on International Trade. The symposium was held in Chicago on September 3, 1964.

Scientists' Forum.—In an article appearing at page 498, the JOURNAL'S Scientific Editor, *Bernard L. Oser*, discusses "Public Health and Unrelated Aspects of International Food Laws." Numerous factors are responsible for differences in food laws among various countries. Among the considerations Dr. Oser mentions are dietary, cultural and esthetic preferences, climatic, geographic, and ecologic factors, the degree of technological advancement, financial resources, and last but not least, national self-interest. He concludes that "it is stretching scientific credulity to contend that foods or food components that are critically evaluated and found to be safe for one nation's population should be restricted on the ground of unwholesomeness or unsafety for another's. Better communications and understanding will go far toward establishing international agreement on matters of health or safety insofar as they affect food laws."

Dr. Oser, who is president and director of the Food and Drug Research Laboratories, Inc., also presented this paper at the American Chemical Society's recent symposium in Chicago.

General Food Labelling Provisions

The Following Is a Résumé on General Food Labelling Provisions Compiled by the Legislation Research Branch of the Codex *Alimentarius* Commission, Joint Food and Agriculture Organization/World Health Organization. The Résumé Was Prepared for Submission at the Commission's Second Session in Geneva, Switzerland, September 28-October 7, 1964.

PREFACE

AT ITS FIRST SESSION, the Commission requested the Secretariat to draw up for submission to it at its next session a concise résumé of current food labelling laws, with particular reference to those of countries participating actively in the work of the Commission. This résumé should cover provisions dealing with identity, net contents designations, indication of manufacturer and special requirements on type and style of label declarations. The Commission further requested the Secretariat to include as an appendix to this résumé the chapter on labelling set out in the draft Latin-American Food Code.

To give effect to this recommendation, the Legislation Research Branch prepared a questionnaire which it sent out to the following countries: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Denmark, Dominican Republic, Finland, France, Germany, Greece, India, Israel, Italy, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, South Africa, Senegal, Spain, Sweden, Switzerland, Thailand, Turkey, United Kingdom, United States and Yugoslavia.

This document is based on the 16 replies received in sufficient time to be analyzed within the prescribed time limit.[1] The remaining replies will be placed at the disposal of the Commission in a separate document.

QUESTIONNAIRE

I. In what manner and in what cases must the identity of foodstuffs be indicated on the label?

(i) Must the identity be indicated by the:

[1] Argentina, Australia, Canada, Chile, Finland, Germany (Federal Republic), India, Luxembourg, Netherlands, New Zealand, Spain, Switzerland, Thailand, United Kingdom, United States of America, and Yugoslavia.

(a) common name; (b) brand name; (c) scientific name; (d) in any other manner, or combination of the above?

(ii) When a foodstuff contains more than one ingredient, must all ingredients be indicated?

(a) Is there a definition of "ingredient," and does it exclude any substances such as water?

(b) Are any substances generally exempted from label declaration?

(iii) Must the addition of food additives be specifically declared, and if so, in what manner (for example, qualitatively and/or quantitatively, by a general statement such as "permitted colours added" or by code reference to particular additives such as "contains E.110 and E.111")?

(iv) What general provisions govern claims to special properties such as vitamin content, enrichment and effectiveness against disease?

II. How is the quantity of foodstuff indicated with regard to weight, measure or number?

(i) In what cases must the net contents be given? What ways other than indication of net contents are permissible?

(ii) According to what system (for example, metric, avoirdupois) are contents indicated?

(iii) Are there general provisions regarding tolerated discrepancies between the label declaration of content and actual content?

(iv) Are there other provisions governing the units in which foodstuffs must be sold (for example, only in units of 10 grams or one ounce)?

III. What label declarations ensure that a foodstuff can be traced to the producer, manufacturer, packer, labeller, importer or other person legally responsible?

(i) Must the name or license number of the persons be given?

(ii) Must an address be given?

IV. Miscellaneous provisions.

(i) What general provisions concerning the size of labels and their position on packages are there?

(ii) What general provisions concerning the size and/or colouring of label declarations and the use of special vignettes or emblems are there?

(iii) What language(s) are currently used on labels of home product foodstuffs?

(a) Must imported goods bear inscriptions in the above language(s)?

(b) With respect to imported foods, must the country of origin appear on the label; is the mere statement "foreign" or "imported" sufficient; is a foreign address sufficient?

(iv) What general provisions are there concerning misleading labels?

(v) Is the date of packing or production required on packages, and if so, in code or otherwise?

V. References to principal legislative texts and other sources. In addition, reference to any comparative work on general labelling provisions undertaken in your country would also be of assistance.

I (i)—Must the identity be indicated by the: (a) common name; (b) brand name; (c) scientific name; (d) in any other manner, or combination of the above?

In Argentina, Canada, Finland, Germany (Federal Republic), Netherlands, New Zealand, United Kingdom and the United States of America, the general rule is that the identity of foods should be indicated by giving their common name.

In Australia (Commonwealth legislation on exports and imports), Queensland, Tasmania, Victoria and Western Australia, the common or trade name or a true description of the food must be given. In New South Wales, the common or brand name may be used.

In Chile, Luxembourg and Switzerland, the relevant legislation refers to the specific denomination of the food.

In India, the name, trade name or description of the food must be given.

In Yugoslavia, the common and brand name are required.

In Spain, the common name is required for unprocessed foods; the brand name in the case of industrial products (for example, biscuits, carbonated beverages) and the scientific name in the case of synthetic products or additives.

In addition there are the following provisions;

Argentina—In certain cases the scientific name must be given. In other cases designation of the nature or composition is not required—for "mixtures of edible oils" and products for which in the opinion of the health authorities, indication of the formula could encourage home preparation to the detriment of public health.

Finland—Imported foodstuffs must be designated by the common name or else by a picture of the product clearly showing its nature.

Netherlands—A fancy name approved by the government or a designation of the nature and composition of the foodstuff may be given for foodstuffs resembling those for which a designation already exists.

New Zealand—Although the common name is generally required, the relevant regulation requires the name, trade name or description of the article so that it should be clear under which regulation the article may be classified.

Thailand—Requirements as to the indication of identity are laid down for milk, milk products and canned foods. These foods should be indicated by the common and brand names.

United States of America—Foods indicated by their common name must conform to any standard which may have been established for the food. The scientific name is only required in the absence of a common name.

I (ii)—When a foodstuff contains more than one ingredient must all ingredients be indicated?

In Argentina, Chile, Finland, Germany (Federal Republic), Luxembourg, Netherlands, New Zealand, Spain, Thailand and Yugoslavia, there is no general requirement that all ingredients be declared.

All ingredients must be declared for specific foods in certain countries: *Argentina*—meat and meat products; *Finland*—infant foods and dietary foods; *Germany (Federal Republic)*—foods the composition of which varies from the usual food in the trade or from legitimate consumer expectations; *Netherlands*—substitutes and food resembling others for which there is a designation; *Thailand*—canned foods.

In Australia, Commonwealth legislation on exports and imports does not require the declaration of all ingredients unless omission to do so would constitute failure to give a true description of the food. In Queensland and Tasmania, if a food is a mixture this must be stated on the label unless exempted from such declaration. Names of ingredients must be given only when expressly required by the regulations. In Victoria, as a general rule, all ingredients need not be declared although there are certain exceptions—for example, canned meat and meat products and canned fish and fish products. In Western Australia, the principal ingredients must be given (particularly for canned foods) in descending order of the percentage present. In New South Wales, ingredients need not be declared if the food is standardized; otherwise the ingredients must be declared, but not their proportions.

In the United Kingdom, ingredients must be declared in the descending order of the proportion by weight in which they are used, or according to the quantity of each ingredient. Certain foods are specifically exempted from this requirement.

In Canada and the United States of America, the position may be summarized as follows:

Canada—Food and Drugs Act: If a standard is laid down a complete list of ingredients is not required. If no standard is laid down a complete list of ingredients is required given by their common names in descending order of their proportion—or any order if given as percentage. A list of the ingredients is not required on the label of: bakery products, black pudding, blood pudding, confectionery, flavouring preparations, gelatine desserts, nonnutritive seasoning sauces, pastry spice, pickling spice, poultry seasoning, preparations of coal tar colours, soft drinks, soups, and white pudding. *Fish products:* complete list in descending order of proportion required; *Poultry products:* complete list for frozen eggs only; *Processed fruit and vegetable products:* complete list not required; *Meat products:* complete list required.

United States of America—All ingredients must be listed except where a standard of identity has been established, in which case the standard prescribes which ingredients need or need not be declared. Under the Meat Inspection Act and the Poultry Products Inspection Act, ingredients must be declared in descending order of predominance.

(a) There is no definition of "ingredient" in the legislation of the countries consulted. The presence of water must be declared in Canada and the United States.

(b) There are no general exemptions from label declaration of any substances used as an ingredient although in certain countries, for instance Canada, United Kingdom and the United States, certain ingredients in specific foods are exempted. Certain foods are as such exempted from all or part of the labelling provisions in some countries, for instance Australia (Queensland) and the United Kingdom.

I (iii)—Must the addition of food additives be specifically declared, and if so, in what manner?

Argentina—Colours are governed by the National Food Regulations (of 1953, revised in 1959 and 1963) issued by the Ministry of Public Health and Social Assistance, and must be declared in all cases.

Australia—The Commonwealth legislation on imports and exports provides that the labels of imports must conform to state legislation

and those of export to the legislation of the importing country. However the description of the food on the label must mention deleterious or preservative substances. In Queensland, food additives must be declared unless specifically exempted. Preservatives; artificial colouring and flavouring; antioxydants, extenders or stabilizing agents may be declared under a group name. Preservatives may also be declared quantitatively giving the name of the preservative. The following are exempt from the declaration of artificial colours and flavours: cheese (all classes), confectionery, pastry, ice cream, flavoured ices, ice blocks, sausage skins (colouring only); soft cured fish (colouring only); any food (coloured with *caramel*); cocoa (flavouring only); chocolate (flavouring only); preparations of cocoa and chocolate (flavouring only); canned peas flavoured with mint. The following are exempt from the declaration of antioxidants, etc.: bread, ice cream and flavoured ices. In Victoria and Western Australia, preservatives, antioxidants and artificial colouring and flavouring matters must be declared by a group name. In Victoria nonnutritive sweetening substances must be declared. In New South Wales and Tasmania, additives must be declared. A group name is permissible except in the case of a food to which an antioxidant has been added and which is sold other than by retail, in which case the percentage of antioxidant and its chemical name must be given. A further exception in New South Wales is in the case of food for diabetics on which the name of any artificial sweetener must be stated.

Canada—Food and Drug Act: There is no general requirement that the presence of all food additives be specifically declared on the label. Certain additives, such as food colours, preservatives and artificial or imitation flavouring preparations, must be declared unless specifically exempted. Certain food additives and other food ingredients may be declared by a group title. These are: (a) vegetable gum, (b) animal fat, (c) vegetable fat or oil, (d) marine oil, (e) bleaching, maturing or dough conditioning agent, (f) yeast foods, (g) glazing or polishing agent, (h) colour, (i) flavour, (j) artificial flavour, (k) spices or seasoning, and (l) leavening agent. *Fish products:* specific declaration not necessary—general statement such as "colour added" acceptable. *Dairy products:* permitted additives need not be declared. *Processed fruit and vegetable products:* specific declaration required (for example, added pectin). *Meat products:* declaration must be quantitative and qualitative.

Chile—Food additives are included in the definition of "foodstuff" in Article 4 and should be mentioned on labels as provided in Article 27. With respect to margarine it is expressly provided that the following substances shall be declared: antioxidants (general reference or specifying substances used); benzoic acid and/or sodium benzoate; sorbic acid and/or potassium sorbate (Article 115). With respect to fish which has been preserved in ice to which antibiotics have been added, labels shall specify the type and name of the antibiotic, the date of its application and duration and its effect, and the inscription "treated with ice with added antibiotic to retard deterioration" (Article 181). Labels of foods and drinks to which colouring matter has been added shall also bear the inscription "Natural colouring matter added" or "Artificial colouring matter added" or "Natural and artificial colouring matter added." (Article 265).

Finland— Order 477/61. Sections 7 and 8:—Artificial sweeteners must be declared "artificially sweetened." Potassium iodide, campher (in sweets) 2,4-dichloro-plenoxy acetates, diphenyl, orthophenyl-phenol and its sodium salt, paraffin, and waxes (in/on fruits and berries and products thereof and artificial products); quinine and its salts (in tonic drinks); artificial essences (generally in artificial products). Food additives in general must be declared with respect to infant foods or foods for dietary use. Code references are not used.

Germany (Federal Republic)—Foodstuffs containing permitted colours, preservatives and artificial flavourings have to bear the following declarations: "colour added," "preservative added" (stating the preservative(s) in question), "artificial flavouring added." Furthermore, the addition of the corresponding foreign matter requires the following declaration: *Citrus fruit:* "artificially waxed, peel not fit for consumption"; "diphenyl added, peel not fit for consumption"; "orthophenyl carbonic acid added, peel not fit for consumption." *Dried grapes (raisins, sultanas):* "paraffin added." *Foodstuffs having admissibly been treated with sulphur dioxide:* "sulphurated."

India—Where preservatives, colouring agents or antioxidants are added, a statement that such substances have been added must appear on the label.

Luxembourg—There is no general provision rendering compulsory the declaration of the addition of additives. For fish and crustacean preserves only, the addition of preservatives must be declared on the package. However, the designations "pure" or "natural," or similar

expressions, may not be used for foodstuffs which have been artificially coloured or to which preservatives have been added.

Netherlands—As a general rule additives need not be declared and must be declared only in exceptional cases (artificially sweetened beer, coloured or preserved egg products, antioxidants containing oils and fats in wholesale packing, coloured coal-fish, sulphurised wine and iodized kitchen salt).

New Zealand—The presence of controlled food additives is required as a general rule, for example, artificially coloured, contains preservative, contains saccharin. Other forms of declaration, for example, contains antioxidant, are about to be promulgated. The regulations allow some general exemptions from such requirements (for example, the presence of vegetable colouring substances in cheese). Caramel is an example of a colouring substance which, when legally used, need not carry a declaration. The case is similar with some traditional preserving agents.

Spain—The additive and the amount thereof must be declared.

Switzerland—The addition must be indicated clearly and legibly on the package.

Thailand—Synthetic food colours present in any foodstuffs in an air-tight container must be indicated on the label. Indication as to the type and the quantity of an officially approved preservative contained in a foodstuff is also required on the label, except when sodium benzoate or benzoic acid is used as a preservative in a nonalcoholic beverage to an extent of not more than 0.1 per cent calculated as sodium benzoate.

United Kingdom—Food additives must be declared. No quantitative statement is required, though the substance must be in its appropriate place in the list of ingredients. Colouring matters may be declared as "colourings"; emulsifying salts (sodium citrate, sodium phosphate, and sodium tartrate) may be declared as "emulsifying salts"; flavourings may be declared as "flavourings" or "flavouring essences"; preservatives must be declared by chemical name, except in certain particular foods (see Regulation 5 and the Third Schedule to the Preservatives in Food Regulations 1962); all other additives including antioxidants and emulsifiers and stabilizers must be declared by chemical name. Declarations are not required in foods exempted from declaring their ingredients under the Labelling of Food Order.

United States of America—Food additives must be specifically declared as ingredients (see I (ii) (b) above). Labels must state presence of artificial colourings, flavourings or chemical preservatives (for example, colour added, artificially flavoured, etc.). The percentage of nonnutritive artificial sweeteners must be shown on the labels of special dietary foods. Most food additives must be declared by their common or usual name and code references are not permitted in lieu thereof.

Yugoslavia—Qualitatively and quantitatively.

I (iv)—What general provisions govern claims to special properties such as vitamin content, enrichment and effectiveness against disease?

There are no provisions in Spain, Finland (where they are being prepared) or Thailand (where claims to vitamins are dealt with under the provisions relating to misleading labels).

There are no general provisions in the Netherlands where, however, the addition of vitamins to margarine must be declared.

The following provisions are in force in Argentina, Australia, Canada, Chile, Germany (Federal Republic), Luxembourg, New Zealand, Switzerland, United Kingdom, United States of America and Yugoslavia:

Argentina—When a product can be considered "rich in vitamins" or in any other analogous substance, a monograph on the product and an attestation of the Secretariat of Public Health referring thereto are required. In general, a statement of the substances is made, but amounts may be declared.

Australia—There are no specific provisions in the Commonwealth legislation relating to imports and exports, but claims must not constitute "false trade descriptions." In Queensland and Tasmania, claims to the presence of vitamins or mineral salts shall appear on the label and must show with respect to each vitamin the amount in a given quantity of food, and, separately, with respect to each mineral salt in the amount present in parts per centum. In Western Australia, the name and quantity of any vitamin or mineral must be given with respect to a given quantity of food. The use of such terms as "good source of vitamins" or "enriched" or "fortified" is restricted in Queensland and Western Australia. In the latter state, a claim that a food has curative or preventive properties requires that the reference quantity shall contain the daily requirement; legislation to this effect

is in preparation in Queensland. In Victoria, foods effective against disease are not "foods," but "proprietary medicines" and are subject to special legislation. Regulations on claims with respect to added vitamins are under preparation in New South Wales and Victoria.

Canada—Part D of the Food and Drugs Regulations applies to vitamins which are naturally present and added vitamins. Only listed vitamins may be mentioned. The minimum requirements for the various vitamins are indicated before a food *to which no vitamin* has been added may be labelled "an excellent dietary source" or a "good dietary source." The minimum amounts of any vitamin which must be added for a food to be represented on the label as containing that vitamin are set. Only the listed general and specific claims may be made, based on the vitamin content of a food.

Chile—Use of the term "enriched food" or similar terms on labels is prohibited unless enrichments have been added in the manner and quantity prescribed in the Regulations, or by the Director General for Health. Similar provisions govern the use of the term "vitamin enriched food." Indications suggestive of medicinal or curative properties or effectiveness for specific therapeutic treatments are prohibited unless expressly permitted in the Regulations.

Germany (Federal Republic)—Claims to an unusually high content of certain natural substances, such as vitamins, are permitted if they are true. Claims to effectiveness of foodstuffs against disease are not customary.

India—The presence of added vitamins must be declared. The use of the words suggesting that a food is recommended, prescribed or approved by medical practitioners is prohibited.

Luxembourg—All indications attributing therapeutic, preventive or curative properties to foodstuffs are prohibited. All indications relating to the presence of vitamins or hormones are subject to the prior authorization of the Minister of Public Health.

New Zealand—In general, the addition of vitamins to foods is prohibited and claims for the presence of vitamins in foods strictly controlled. Such claims on labels must be substantiated by a quantitative declaration unless the food is butter, cheese, milk, eggs, fresh fruit or fresh vegetable. A similar declaration is required with respect to claims for the presence of minerals. Claims of effectiveness against disease are subject to the general provisions of the Food and Drugs

Act and to legislation such as that governing medical advertisements generally.

Switzerland—Indications relating to vitamin content or denominations containing the word "vitamin" may be used only with the authorization of the Federal Public Health Service (SFHP). The purpose and efficacity of dietetic products, to the extent that they result from the composition of such products or from special treatment which they have undergone, may be mentioned only with the authorization of the SFHP (ODA, Articles 19 and 20).

United Kingdom—Claims of vitamin or mineral content may be made only if the food contains vitamins or minerals, as defined in the Labelling of Food Order 1953 and if the minimum amount present is stated. The Order also forbids claims to tonic properties by reason only that the food contains (a) alcohol, (b) sugars or other carbohydrates, (c) protein or substances prepared from the hydrolysis of protein, or (d) caffeine or other purine derivatives.

United States of America—Foods intended for special dietary uses must bear information about the vitamin, mineral and other dietary properties as required by regulations. Enriched foods must be labelled with information concerning their vitamin and mineral content and the proportion of the minimum daily requirements for each of the added vitamins and minerals supplied by a specified quantity of the food when consumed in a period of one day. In general, claims for effectiveness against disease are not permitted on foods.

Yugoslavia—The source and degree of enrichment must be indicated.

II (i)—In what cases must the net contents be given? What ways other than indication of net contents are permissible?

In Argentina, Canada, Chile, Finland, Germany (Federal Republic), Netherlands, New Zealand, United Kingdom, United States and Yugoslavia, the net weight/volume must be indicated. However, there are exceptions from this requirement in:

Australia—The Commonwealth regulations on imports and exports do not require the net weight to be given, but if a quantity is indicated, a statement of whether it is net or gross must be given. Subject to certain exceptions the general rule in New South Wales, Queensland, Tasmania, Victoria and Western Australia is that the net weight shall be given.

Canada—Packages weight of which including package is less than two ounces; fluid dairy products in glass containers of specified capacities; certain fish products.

Finland—Including fish (salted, spiced, smoked) in containers under 500 grams 1 litre; bread, certain confectionery. Fresh fruits and vegetables and bakery products in transparent packages—price per kilo is sufficient.

India—There shall be specified on every label: (a) the net weight or number or measure or volume of contents as the circumstances may require, except in the case of biscuits, confectionery and sweets where the weight may be expressed in terms of either average net weight and/or minimum net weight; (b) a batch number or code number either in Hindi or English numerals or alphabets or in combination. These requirements are not applicable to food packages containing more than 60 grams, but not more than 120 grams, of biscuits, confectionery and sweets and to aerated water containers.

Netherlands—Bread, alcoholic drinks, cacao and chocolate and ice cream.

New Zealand—Aerated waters (soda water, seltzer water, alcoholic beverages including nondutiable fermented beverages); beverage flavours; confectionery in any package containing less than two ounces; fruit juice; ice cream, milk ices and ices in packages of a capacity less than four fluid ounces; nonfermented beverages (fruit beverages, flavoured beverages, compound beverages, artificial beverages); rennet, sauces, pickles and chutney, soup in any form, and imitation soup powder, syrups and cordials for beverage making, yeast, but not dried yeast.

United Kingdom—Some foods, including butter, margarine, dried fruit and vegetables, rice and sugar, may be marked with gross weight if wrapper does not exceed a given weight. Some foods including cheese, flour confectionery, fresh fruit and vegetables, intoxicating liquor, milk, soft drinks and sugar and chocolate confectionery are exempt from marking. These exceptions will be affected by the Weights and Measures Act, 1963, and new Marking Regulations to be made under this Act, on 31 July 1965. The main effects will be to: (a) require some of those articles now permitted to be marked with their gross weight, to be marked with their net weight; (b) to require more prepacked articles to be marked with their net weight, measure or number, and (c) to require the weight of some articles (for

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example, fresh fruit and vegetables) to be made known to the buyer before he pays for or takes possession of the goods; and in such cases, the gross weight of the article (that is, the aggregate weight of the food and its wrapper) may be made known, provided the weight of the wrapper does not exceed a specified amount.

In Switzerland, the net weight/volume must be indicated on small packages (50 grams—2 kilograms) for retail sale.

In Luxembourg, the net weight/volume need only be declared with respect to meat preserves; in Spain, with respect to foods in hermetically sealed containers of metal, glass or plastic; in Thailand, with respect to canned foods.

II (ii)—According to what system (for example, metric, avoirdupois) are contents indicated?

Metric system—Argentina, Chile, Germany (Federal Republic), Luxembourg, Netherlands, Spain, Switzerland, Yugoslavia.

Avoirdupois—New Zealand, United Kingdom, United States (but also see below).

Australia—In general, the avoirdupois system is used although in Western Australia the weight of certain imported foods may be given in the metric system. In Victoria, the weight in the metric system may be given but alongside the avoirdupois equivalent.

Canada—Declaration of net contents may be made in either metric or avoirdupois systems.

Finland—On domestic foodstuffs the metric system is used, but other systems may be used on imported foodstuffs.

Thailand—No particular system is required by law, but the metric system is officially accepted.

United States of America—Volume is based on the United States gallon, and dry measure on the United States bushel. Under the Poultry Products Inspection Act the net weight in certain small packets of dry product may be declared in grams.

II (iii)—Are there general provisions regarding tolerated discrepancies between the label declaration of content and actual content?

There are no provisions in Chile, Germany (Federal Republic), Luxembourg, Netherlands or Thailand.

There are the following provisions in Argentina, Australia, Canada, Finland, New Zealand, Spain, Switzerland, United Kingdom, United States of America and Yugoslavia.

Argentina—Article 15 of the Regulations under Act No. 11.275 prescribes that a tolerance between the declared net weight or volume and the actual net weight or volume will be permitted up to 3 per cent of small packages, up to five litres or five kilograms; 2 per cent for larger packages, from five litres or five kilograms to 20 litres or 20 kilograms; and 1 per cent for packages larger than 20 litres or 20 kilograms. In hermetically sealed opaque packages, a difference of up to 10 per cent between capacity and volume of content is authorized. In glass packages, the admissible difference is 5 per cent.

Australia—There are no provisions in the Commonwealth legislation on imports and exports. In Queensland, a variation of not more than 5 per cent (or in the case of bottles of three ounce capacity or less in proportion not exceeding 7½ per cent) is permitted provided the net weight or measure of 10 packages of food of the same description and brand is at least 10 times the declared weight/measure. The same variations are permitted in Western Australia, provided that the total of six packages must be of or above the declared weight/measure.

Canada—When the contents are expressed in terms of minimum weight, measure or number, the contents shall not be less than minimum expressed. Discrepancies are tolerated only as follows: (a) a variation due exclusively to weighing, measuring or counting that occurs in the course of packaging the food, but not to the extent that the content of the package is less than the quantity declared on the label, as determined by the official method; (b) variations due exclusively to differences in the capacity of containers resulting solely from unavoidable difficulties in manufacturing, but no greater variation is permitted because of the design of the containers that is usual in the case of containers of similar capacity than can be manufactured so as to be of approximately uniform capacity; and (c) variations in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions.

Finland—Weight or cubic capacity may not be less than indicated by a greater margin than inevitable according to good commercial practice. The quantity may not be less than 5 per cent of the quantity indicated if latter is the average quantity.

New Zealand—A variation of up to 5 per cent from the weight or volume declared on the label is permitted when the varying package and five other similar packages are of, or exceed, the declared weight

or volume. For packages of three fluid ounces a variation of up to 7½ per cent is permitted on the same conditions.

Spain—Tolerances are prescribed for certain specific foods. For instance 3 per cent or 5 per cent above or below the declared weight for alimentary pastes for soup, ice cream, coffee and spices in packages of over 50 grams or 50 grams or less respective. For biscuits and sweets the tolerated discrepancy is 5 per cent.

Switzerland—Any difference may not exceed 5 per cent of the declared weight (ODA, Article 16).

United Kingdom—Specific tolerances for different foods are *not* prescribed, but a court of law before which proceedings are being taken is instructed to "disregard any inconsiderable variation in the weight or measure of a single article" and to "have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold . . . by the defendant or in his possession for the purpose of sale—on the same occasion and generally to all the circumstances of the case." New instructions along these lines are contained in the 1963 Act D (see United Kingdom, under II(i)).

United States of America—The Food and Drug Regulations provide for variations from the stated weight or measure, (1) when caused by ordinary and customary exposure to conditions which occur in good distribution practice which unavoidably result in change of weight or measure; or (2) when caused by unavoidable deviations in weighing, measuring or counting individual packages which occur in good packing practice. Under the Meat Inspection Act, when quantity is expressed as a minimum quantity variations below that minimum are not permitted.

Yugoslavia— Only exceptionally for certain products.

II (iv)—Are there other provisions governing the units in which foodstuffs must be sold (for example, only in units of 10 grams or one ounce)?

There are no provisions governing the units in which foodstuffs must be sold in: Argentina, Finland, Luxembourg, Netherlands and Thailand.

Such provisions exist with respect to certain foodstuffs in the following countries:

Canada—Butter, process cheese, grated cheese, powdered milk, evaporated milk, ice cream. A number of foods must be sold in standard size containers.

Chile—Butter

Germany (Federal Republic)—Butter, chocolate, honey. Beverages must be sold in standard size bottles.

New Zealand—Various common foods such as butter and tea.

Spain—Various foods such as chocolate, coffee, chicory and coffee substitutes.

Switzerland—Most breads; chocolate.

United Kingdom—Various foods including butter, margarine, dried fruit and vegetables, rice and sugar. (The range of foods is being extended under legislation enacted in 1963.) Certain restrictions apply to the sale of liquid milk.

United States of America—Bread under certain state laws.

Yugoslavia—Various foods.

III—What label declarations ensure that "foodstuff can be traced to the producer, manufacturer, packer, labeller, importer or other person legally responsible?"

(i) Must the name or license number of the person be given?

(ii) Must any address be given?

Argentina—(i) According to the Foodstuffs Decree, No. 101,538/41, as amended by Decree No. 19,565/50, the following information must be declared: name of a firm established in the country; in certain cases, the number of the license, generally issued by the Secretariat for Agriculture and Stock-Raising to the packer (for example, for fish products and conserves). (ii) Although it is customary to state the address of the responsible firm, there is no requirement to do so.

Australia—(i) New South Wales: name of manufacturer or importer, or vendor, or packer. Tasmania and Queensland: name of vendor, or maker, or the agent of the maker or vendor, or the owner of the right of manufacture. Western Australia: name of importer, vendor, manufacturer or packer. Victoria: the name of manufacturer or packer; if manufactured outside Victoria also the name of the principal agent in Victoria. (ii) New South Wales, Tasmania, Victoria, Western Australia, Queensland: an address need not be given for registered companies and firms.

Canada—(i) The name of manufacturer must be given. In some cases, for instance, imported packaged fish, a license number is acceptable. Under the Processed Fruit and Vegetable Regulations labels

of individual packages must bear the name of the packer or distributor. Carrying cartons must, in addition, bear the registration number of the processing plant. (ii) The address must be given; for foods produced in Canada, the city and province suffices. The country of origin must be given for imported products.

Chile—Labels must show the name and location of the factory if within the country, including the factory license granted by the National Health Service (Article 27, (d)(e)); or the name and domicile of the importer or agent or representative.

Finland—(i) Foodstuffs packed in Finland: name of manufacturer. If packed by a person other than manufacturer: name of packer. Imported foodstuffs: name of foreign manufacturer or packer. Name of importer must be shown. (ii) Foodstuffs packed in Finland: address of manufacturer or place of manufacture; or address of packer and place of packing. Imported foodstuffs: place of manufacture or packing or domicile of either. Domicile of importer must be shown.

Germany (Federal Republic)—Name and location of producer or of the person handling the foodstuff. If a foreign foodstuff is being handled under German designation, the country of origin must be stated.

India—(i)(ii) The name and business address of the manufacturer or importer or vendor or packer. The requirements are not applicable to food packages weighing no more than 60 grams.

Luxembourg—(i) The name of the producer, the manufacturer or the firm having packed or ordered the packing of the product must be shown on the wrapping. (ii) desirable but not compulsory.

Netherlands—There are no general provisions. The name and address of the producer must be given for ice cream and pasteurized and sterilized milk and milk products.

New Zealand—(i) The name of the manufacturer or seller or the owner of the manufacturing rights or the agent of any of those must be given. (ii) The address of any of the persons mentioned in (i) above must be given. Post office addresses are not acceptable nor addresses outside New Zealand unless the food is wholly manufactured and packaged outside New Zealand. A town in New Zealand is sufficient for companies registered in New Zealand wtih an office registered in that town.

Spain—(i) The name of the responsible person or firm must be declared, together with the statement: "License No. —— of the Gen-

eral Health Directorate." (ii) Yes, the address of the place where the plant is located.

Switzerland—The wrappings of the products mentioned below must bear the trade name of the manufacturer or seller: dietetic foods; fruit, vegetable and mushroom preserves; mineral waters; sweet cider; soft drink powders and tablets; coffee extract and tea; alcohol-free grape juice; champagne, sparkling wines, Asti, hard cider, beer. (*Ordonnance réglant le commerce des denrées alimentaires,* ODA, Articles 183, 210, 274, 289, 290, 295, 300, 332, 360, 362, 374, 383.) Where the ODA provides that the trade name of the manufacturer or seller may be replaced on the wrappings by a mark, the latter must be filed with the Federal Copyright and Patent Office (ODA, Articles 14).

Thailand—Label declarations ensuring that a foodstuff can be traced to a person legally responsible are only required with respect to milk and canned foods. (i) The brand and the manufacturer's name must be given. (ii) Yes.

United Kingdom—The name of either the packer or the labeller must be specified and an address at which such person carries on business. Alternatively where the food is packed or labelled on behalf of another person who carries on business at an address in the United Kingdom, the name and address of this person may be specified. Instead of such a name and address there may appear a trade mark registered in the United Kingdom. (Labelling of Food Order, Article 4(2))

United States of America—(i) Under the Food and Drugs Act the name and address of the manufacturer, packer or distributor must appear on the label, with the name suitably qualified, if it is not that of the manufacturer, as for example, "Distributed by——." No licenses or license numbers are required. Similar provisions are laid down under the Meat Inspection Act which also provides that an inspection reference and establishment number assigned by the Meat Inspection Division be given. Products in hermetically sealed containers must have the establishment number embossed on the container. The Poultry Products Inspection Act requires that the label must show the official plant number of the federally inspected plant. (ii) The address of the manufacturer, packer or distributor must be shown on the label. Firms having more than one place of business, the address of the principal office may be used.

Yugoslavia—Name and address of the producer, that is, packer, importer and other responsible persons must be indicated.

IV(i)—What general provisions concerning the size of labels and their position on packages are there?

There are no general provisions on the size of labels and their position on packages in Australia, Finland, Luxembourg, Netherlands, Spain or Thailand.

Many countries provide, however, that the labels must be clearly visible and legible, for example, Canada, Chile, Germany (Federal Republic), New Zealand, Switzerland, United Kingdom, United States of America and Yugoslavia.

IV(ii)—What general provisions concerning the size and/or colouring of label declarations and the size of special vignettes or emblems are there?

The size and colouring of label declarations are covered in a general manner by the provisions on misleading labelling which usually specifically provide that inscriptions be clearly legible.

There are no special provisions in Finland, Germany (Federal Republic), Luxembourg, Spain, Switzerland or the United States of America.

There are the following provisions in Argentina, Australia, Canada, Chile, Netherlands, New Zealand, Thailand and the United Kingdom.

Argentina—A provision exists according to which, when a quantity is approximately the same as a more widespread measure (for example, 950 cc as compared to one litre), letters on the label must be one cm. high.

Australia—Commonwealth legislation and the various states' legislation contain numerous provisions regarding the size and colouring of statutory declarations.

Canada—The Food and Drug Regulations provide that the information given on labels must not be misleading and must be clearly displayed and readily discernible. There are provisions regarding the size of label declarations under the Processed Fruit and Vegetable Regulations and the Canada Dairy Products Regulations. There are also such provisions applicable to canned fish and shellfish and other fishery products. Trade declarations under the Shell Egg Regulations have colour designations.

Chile—The designation of a foodstuff on the label must be in letters of the same type and uniform in size, relief and colour (Article 27(a)).

India—The type used for the declaration shall not in any part be less than three mm. in height, provided that where the size of the package does not permit use of a type of three mm., letters of proportionately reduced size may be used; provided further that the type used for the words "unsuitable for babies" shall not be less than twice the height of any part of the declaration.

Netherlands—Declarations must be of the following sizes:

Height	Line thickness	Net contents of
1 mm	- mm	less than or equal to 10 gr
2 mm	0.2 mm	11— 200 g
3 mm	0.3 mm	201—2000 g
10 mm	1.0 mm	more than 2000 g

(The indicated contents are considered as net contents.)

No colour prescribed; no vignettes and emblems required.

New Zealand—The information required to be declared on the label shall be written in six-point lettering except where otherwise specified. The labelling provisions relating to specific foods give other requirements as to size of lettering of declarations. Lettering shall be in a colour contrasting strongly with background; these colours being uniform throughout a particular word, phrase, etc.

Thailand—In the case of skimmed milk, the inscription in Thai is required: "Skimmed Milk—Not for Infant Feeding," not smaller than seven mm. in height, and must be distinctly printed and also embossed on the container. There is no specification of the colour, but the letters must be distinctly legible. No other special vignettes or emblem are required.

United Kingdom—Statements of quantity are required generally to be marked upon a plain background and in distinct (colour) contrast thereto, but there is exception in respect of statements embossed upon metal plaster, glass or papier maché containers.

IV(iii)—What language(s) are currently used on labels of home produced foodstuffs?

Languages currently used on labels of home produced foodstuffs:

Argentina: Spanish; Australia: English; Canada: English, French; Chile: Spanish; Finland: Finnish, Swedish; Germany (Federal Republic): German; India: English or Hindi in Devnagri script (any other language may be used in addition to the language required); Luxembourg: French, German; Netherlands: Dutch; New Zealand: English; Spain: Spanish; Switzerland: French, German, Italian;

Thailand: Thai; United Kingdom: English; United States of America: English (except on articles for distribution solely within a territory or the Commonwealth of Puerto Rico where the predominant language is other than English); Yugoslavia: One of the Yugoslav languages.

(a) Imported goods must bear inscriptions in at least one of the languages used on home produced foodstuffs in Argentina, Australia (Victoria), Canada, Chile, Germany (Federal Republic), Luxembourg (generally), Netherlands, Spain, Switzerland (generally), Thailand, United States of America and Yugoslavia. There is no specific requirement in New Zealand under the Food and Drug Regulations or in the United Kingdom. In the United Kingdom, however, it would be unlikely that a court would hold that the Labelling of Food Order had been complied with unless the statutory declarations were in English. In Finland, the declarations must be in Finnish or Swedish, but the name of the product may be of a foreign name of accepted usage or replaced by a picture clearly showing the nature of the product. In Australia, (Western Australia) declarations are not compulsorily in English although such a requirement is contemplated. In Queensland and New South Wales, legislation will soon be introduced to the effect that all declarations required by law should be in English.

(b) The country of origin must be specified in Argentina, Australia (Western Australia); (Victoria) where specifically required; (Queensland) the country of origin would be expected as part of the address. Under Commonwealth legislation required for imports; New South Wales: a foreign address is sufficient, Canada, Finland, Germany (Federal Republic), Luxembourg (honey), Spain, Thailand (milk and canned foods), the United States of America and Yugoslavia. (In certain countries the country of origin may be indicated as part of the foreign address.)

In Chile, the label must show whether the food is home produced or foreign.

In Switzerland, "product manufactured abroad" or "imported product" is sufficient.

In the United Kingdom, prepacked foods of foreign origin which bear the name and address of a foreign packer or labeller need no other indication of origin; those which bear the name or trade mark of a British firm must bear the word "Empire" or "Foreign" as appropriate or state the particular country where the goods were produced.

(Section I of Merchandise Marks Act, 1926, and Article 2 of the Labelling of Food Order.)

For certain foods which are not prepacked, orders have been made under Section 2 of the Merchandise Marks Act, 1926, requiring an indication of origin (the word "Empire" or "Foreign" as appropriate or the name of the country of origin).

In the Netherlands, there is no requirement that the country of origin be indicated.

In New Zealand, the Food and Drugs Regulations do not require that the country of origin be specified.

IV(iv)—What general provisions are there concerning misleading labels?

Most countries have general legislative provisions prohibiting the use of labels which are likely to be misleading and provide sanctions for noncompliance. The various matters on which a purchaser may be misled (for example, quantity, quality, composition, effect, origin) are usually specified.

A number of countries specifically prohibit the use of designs on labels suggestive of a food in its natural state when the food labelled is an imitation.

IV(v)—Is the date of packing or production required on packages, and if so, in code or otherwise?

The date of packing or production is generally required in Spain, and in Yugoslavia where the time limit for use must also be given for perishable foods.

The date of packing or production need not be indicated in Switzerland and the United Kingdom.

In a number of countries the date of packing or production is required for specific foods, for example:

Australia—Under Commonwealth legislation on imports and exports, imported food is subject to special requirements including disclosure on the label of the date when the food was packed. Otherwise the date is only required in Queensland for bottled milks, babies' food, oysters removed from shells; and in Western Australia for infants' food. In New South Wales, the date is only required for infants' foods, prepacked meat and oysters in bottles. No dates are required in Victoria or Tasmania.

Canada—Canned meats, canned fruit and vegetables for which a grade is established; canned fish products; fresh, frozen or processed fish produced in a plant operating under voluntary government inspection; frozen eggs.

Chile—Margarine, foodstuffs for medical uses, including flour products for infants, canned foods and foods in glass containers of animal or plant origin, frozen foods of animal or plant origin, meat sauces, concentrated broth, powdered egg, smoked fish, corned beef in general except Vienna sausages for which the date must be shown on the container for distribution, milk in all forms except pasteurized milk on the containers of which only the name of the day of distribution shall be shown, cheeses, containers for the distribution of small cheeses and for the transport and distribution of oysters.

Germany (Federal Republic)—Vitaminized foods; dietetic foods.

India—The containers of fruit products shall specify a code number indicating the lot or the date of manufacture.

Luxembourg—Meat semi-preserves.

Netherlands—Pasteurized milk products.

New Zealand—Butter and dairy products, such as pasteurized cream and milk.

Thailand—Canned foods.

United States of America—Canned poultry and meat products.

In Argentina, label must state as appropriate that a product is for immediate consumption. In certain cases (for example, peaches *au natural* and tomato preserves) the expiration date for consumption must be given.

In Finland, the last permissible day for sale must be indicated for milk. Dates may be given in code in some cases in Canada, Luxembourg and the United States of America.

LIST OF LAWS, REGULATIONS AND OTHER SOURCES

Argentina

Ley No. 11.275, *con las modificaciones de las Leyes No.* 13.526 y 14.004.

Decreto No. 12.837/32 *reglamentario de la Ley No.* 11.275, *con las modicaciones de los Decretos No.* 71.538/35; 138.434/42; 4.004/44; 5.672/44; 4.945/45 y 5.887/45.

Decreto de comestibles No. 101.538/41, *con sus modificaciones del Decreto No.* 19.565/50.

Australia

Commonwealth

Commerce (Trade Descriptions) Act 1905-1950.

Customs Act 1901-1960.

Regulations under the Commerce (Trade Descriptions) Act 1905-1950 and the Customs Act 1901-1960: Commerce (Imports) Regulations, Exports (Canned and Frozen Fruits) Regulations, Exports (Dairy Produce) Regulations, Exports (Dried Fruits) Regulations, Exports (Fish) Regulations, Exports (Fresh Fruits) Regulations, Exports (Fresh Vegetables) Regulations, Exports (General) Regulations, Exports (Flour) Regulations, Exports (Meat) Regulations.

New South Wales

The New South Wales Pure Food Act 1908 as amended and Regulations thereunder.

Queensland

The Health Acts, 1937 to 1962.

The Food and Drug Regulations of 1957.

The Weights and Measures Acts.

The Weights and Measures Regulations of 1953.

South Australia

Food and Drugs Act, 1908-1962 and Regulations thereunder.

Weights and Measures Act and Regulations thereunder.

Tasmania

Public Health Act 1962.

Food and Drugs Act 1910.

Weights and Measures Act 1934.

Victoria

The Health Act 1958 (No. 6270).

The Food and Drug Standards Regulations 1958, as amended to date.

Regulation 6—General Labelling Requirements.

Western Australia

The Health Act.

Western Australia Food and Drug Regulations.

Canada

The Canada Food and Drugs Act and Regulations.

The Fruit, Vegetable and Honey Act and Regulations.

Canada Agricultural Products Standards Act.

Processed Fruit and Vegetable Regulations.

The Maple Products Industry Act and Regulations.

The Fish Inspection Act and Regulations.

The Meat and Canned Foods Act and Regulations (Canned Fish and Shellfish and Cannery Inspection Regulations).

Canada Meat Inspection Act and Meat Inspection Regulations.

Shell Egg Regulations.

Dressed and Eviscerated Poultry Regulations.

Livestock and Livestock Products Regulations.

The Frozen Egg Regulations.

Handbooks of Specifications.

Egg Cases.

Poultry Boxes.

Canada Dairy Products Act.

Canada Dairy Products Regulations.

Chile

Decreto No. 377 de 12 de Agosto de 1960 aprobando el Reglamento Sanitario de Alimentos.

Finland

Decree No. 246/56, of April 27, 1956, relative to the use of colouring matters in foodstuffs.

Resolution No. 438/61 of 1961.

Decree No. 475/61, of October 13, 1961, amending the Foodstuffs Decree.

Ministerial Resolution No. 476/61, of October 17, 1961, issuing instructions for retail sale.

Ministerial Resolution No. 477/61, of October 17, 1961, determining authorized food additives.

Germany (Federal Republic)

The Food Act, as amended and supplemented by the Food Act of December 21, 1958.

Ordinance on the Labelling of Foodstuffs of May 8, 1935, as currently in force.

Weights and Measures Act of December 13, 1935, as subsequently amended by the Order of September 22, 1944.

India

The Prevention of Food Adulteration Rules, 1955, as amended from time to time.

The Fruit Products Order 1955, as amended from time to time.

Instructions for the grading of vegetable oils under AGMARK.

Luxembourg

Arrêté grand-ducal du 4 *avril* 1958 *relatif à la dénomination et à l'emballage des denrées et boissons alimentaires, modifié par l'arrêté grand-ducal du 25 août 1958.*

Netherlands

Food and Commodities Act of 1935. Food and Commodities Regulations. Regulations of the Commodity Board for Margarine, Fats and Oils.

New Zealand

The Food and Drugs Act 1947. The Food and Drugs Amendment Act 1962. The Food and Drug Regulations 1946, as amended up to December 8, 1963.

Spain

Orden del Ministerio de Industria y Comercio de 30 *de junio de* 1943 *por la cual se establece las obligaciones del fabricante de alimentos en orden a las especificaciones, que habrán de consignarse en los envases de conservas de toda clase, con la modificaciones contenidas en la Orden de* 21 *de diciembre de* 1943.

Orden de la Presidencia del Gobierno de 19 *de ottubre de* 1943 *estlabeciendo una división de las conservas vegetales.*

Orden de la Presidencia del Gobierno de 3 *de noviembre de* 1948 *por la cual se reconoce la máxima tolerancia en peso para las conservas vegetales.*

Orden del Ministerio de Industria y Comercio de 10 *de enero de* 1947 *por la cual se reconoce la máxima tolerancia en peso para las conservas de pescado.*

Orden del Ministerio de Comercio de 27 de julio de 1961 por la cual se reglamentan las conservas de pescado a la exportación.

Orden del Ministerio de Comercio de 31 de julio de 1962 por la cual se reglamentan las conservas de frutas a la exportación.

Orden del Ministerio de Comercio de 19 de septiembre de 1962 por la cual se reglamentan las conservas de hortalizas a la exportación.

Orden de la Presidencia del Gobierno por la cual se aprueba la Reglamentación Técnico-sanitaria de:

	Orden de
Pastas para sopa y alimenticias	4.4.1956
Caramelos	18.4.1956
Productos dietéticos y preparados alimenticios	7.7.1956
Productos de confitería y pastelería	29.12.1956
Chocolates y derivados del cacao	4.6.1957
Helados	29.1.1958
Café	29.4.1958
Galletas (Refundición—nuevo texto)	16.2.1962
Whisky	14.3.1959
Productos de churrería	28.4.1959
Turrones y mazapanes	16.5.1959
Condimentos y especias naturales	26.11.1960
Achicoria y otros sucedáneos del café	21.11.1961
Zumos de frutas	5.3.1962
Bebidas refrescantes (nuevo texto)	5.3.1962
Jarabes y horchatas (nuevo texto)	5.3.1962
Agentes aromáticos para alimentación	29.3.1963:

Dichas Reglementaciones se encuentran en la publicación fechada en mayo de 1963 titulada: "La Comision Interministerial para la Reglamentación Técnico-sanitaria de las industrias de la alimentación.—1955-1963.—Historia y recopilación sistematizada."

Decreto No. 13-27/1963 de 5 de junio de 1963: Competencia de la Dirección General de Sanidad en relación con las substancias y productos destinados al consumo humano.

Switzerland

Ordonnance réglant le commerce des denrées alimentaires et de divers objets usuels, du 26 mai 1936, avec les modifications apportées jusqu'au 31 décembre 1963.

Thailand

Food Quality Control Act of 1941. Food Quality Control Act, amended 1959.

Regulation No. 1 of 1941 on Labelling, food colours, as amended by Regulation No. 3 of 1948.

Regulation No. 2 of 1941 on cow milk and milk products, as amended by Regulation No. 4 of 1950.

Regulation No. 5 of 1953 on nonalcoholic drinks.

Regulation No. 6 of 1963 on food preservatives, canned food.

United Kingdom

The Labelling of Food Order of 1953, as amended in 1953, 1955, 1958, 1959 and 1961.

Food and Drugs Act, 1955.

The Merchandise Marks Acts 1887-1953.

The Sale of Food (Weights and Measures) Act, 1926.

The Pre-Packed Food (Weights and Measures: Marking) Act, 1957, as amended.

Preservatives in Food Regulations, 1962.

The Weights and Measures Act, 1963.

United States of America

The Meat Inspection Act of June 30, 1906, US Code (34 Stat. 674).

Imported Meat Act of June 17, 1930 (Public Law 361, 71st Cong.).

Horse Meat Act of July 24, 1919 (41 Stat. 24).

Regulations Governing the Meat Inspection of the United States Department of Agriculture, 1960, contained in CFR 9, Chapter I, Subchapters A and K, USA.

The Meat Inspection Procedures of the United States Department of Agriculture, 1962 Edition.

Agricultural Handbook 190, "Marking and Labeling Program of the Meat Inspection Division, US Department of Agriculture," as published by the United States Department of Agriculture.

Composite Index to Meat Inspection Regulations and Manual of Meat Inspection Procedures, with Supplemental Information not Contained in those Publications (Current Issue).

Federal Food, Drug and Cosmetic Act and General Regulations for its Enforcement, Title 21, Part I.

Label Statements Concerning Dietary Properties of Food Purporting to be or Represented for Special Dietary Uses. (Part 125, Title 21, CFR).

Food Standards, Part 10, Chapter I. Title 21, CFR: Part 14—Cacao Products; Part 15—Cereal Flour and Related Products; Part

16—Macaroni and Noodle Products; Part 17—Bakery Products; Part 18—Milk and Cream; Butter—(21 U. S. C. 321a, defined by a special law); Non-fat Dry Milk—(21 U. S. C. 321c, defined by a special law; Part 19—Cheeses; Processed Cheeses; Cheese Foods; Cheese Spreads and related Foods; Part 20—Frozen Desserts; Definitions and Standards of Identity; Part 22—Food Flavorings; Part 25—Dressings for Foods; Part 27—Canned Fruits and Canned Fruit Juices; Part 29—Fruit Preserves and Jellies; Part 36—Shellfish; Part 37—Fish; Part 42—Eggs and Egg Products; Part 45—Oleomargarine; Part 46—Nut Products; Part 51—Canned Vegetables; Part 53—Tomato Products.

Poultry Products Inspection Act.

Regulations governing the inspection of poultry and poultry products.

AMS-265, Labeling of Inspected and Graded Poultry Products.

Yugoslavia

The Basic Law on Health Control of Foodstuffs, 1956, as amended in 1961.

Decree on carrying out of the Basic Law on Health Control of Foodstuffs, 1956.

Regulations on quality of foodstuffs and conditions for their production and marketing, 1957, as amended in 1957, 1958 (twice), and 1959.

Instruction on application for registration and on specification of products subject to registration, 1957.

Order on determining the institutions for foodstuffs testing and carrying out of superanalysis, 1957, as amended in 1957 and 1961.

Instruction on the record form for foodstuffs samples taking for the purposes of analysis, 1957.

Regulations on quality of grains mill industry products, bread and pastry, paste and biscuits of 1963, as amended in 1964.

Regulations on quality of coffee and coffee substitutes, tea, spices, soup concentrates, breadmaking yeast, baking powder, pudding powder, dietetic products and additives, 1963, as amended in 1964.

Regulations on quality of fats and vegetable oil, margarine, mayonnaise, sugar and other saccharides, confectionary products, honey, cocoa products, chocolate-like products.

Regulations on quality of spirits, beer and artificial non-alcoholic beverages and syrups, mineral water and soda water, ice and vinegar, 1963.

Extract from the Latin-American Food Code

CHAPTER V—LABELING [2]

Article 71.—The term "labeling" means any inscription, legend or marking which is printed upon, attached to, or engraved upon a product or its immediate commercial container which identifies the product in accordance with the laws in force and the provisions of this Code.

Article 72.—Any food product which circulates in commerce or is held for sale shall bear a visible label in the national language which states:

1. The designation of the product and its nature, or the exact composition if the product is a mixture. For the purposes of this provision, the term "mixture" means any product that consists of elements or commercial articles of a varying composition, class or species, in which case the composition shall be declared in the labeling as follows: Mustard with curcuma and sugar; Torrone made of almonds, honey and sugar. On the other hand, if vegetable oils, wines, ciders, neutral alcohols, etc. are mixed or combined with each other, the resultant mixture is considered as a "cut" and in such cases, their composition need not be declared, in the same manner as generic names defined in this Code, unless the contrary is required particularly.

2. The measure, size, weight, or net volume of each unit expressed in accordance with the decimal metric system. In the case of preserved foods, net weight shall include the weight of the liquid medium, when the same has become part of the product, such as oil, sauce, gravy, sugar syrup, and even brine if it can be used.

3. The name of the manufacturing establishment or the manufacturer or seller, and the place of manufacture. If the product has been imported, the place of origin of the merchandise and the name and address of the importer, packer, distributor, or seller. Moreover, it shall bear the clearly visible legend "Product of (name of country)."

4. All other indications required by the laws and regulations in force and by the present Code.

Article 73.—The names of fruits, foods and other articles originating in a certain country shall be stated in its national language. In addition, translations may be given if this is considered practical, but such translations may not appear in a form or in letters more conspicuous than the markings written in the national language.

Expressions which may be confusing or misleading or expressions intended to suggest differences which do not exist: 100 per cent coffee, whiskey, cognac, etc., aged wine vinegar, Moscatel grapes, etc. are prohibited from being used on labels and in mouth-to-mouth, radio or written advertising.

Article 74.—To prevent deceptions or confusions, receptacles used for foods shall bear inscriptions stating clearly and visibly the exact name of the food, as defined in the present Code.

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[2] 18 FOOD DRUG COSMETIC LAW JOURNAL 216 (April 1963).

Article 75.—Without prejudice to the right to use registered trademarks, the use of any false, exaggerated, or deceiving indication in any part of the labeling cannot be justified by referring to the opinion of a technician or specialist, or by explanations designed to clarify the use of the indication.

Article 76.—Artificial products are not permitted to have in their labeling any symbols or designs representing raw materials of natural products.

Any artificial product not clearly marked as such for the information of purchasers will be considered a falsification.

Article 77.—Labels of food products may not bear indications which refer to medicinal or therapeutic properties. Products which bear information of this kind or are exhibited for sale with a claim to curative properties shall be considered "medicinal specialities" and as such shall require the approval of the competent health authority.

Article 78.—As a general rule, geographic names of a country, region or town may not be used to designate products manufactured elsewhere when this may be deceiving. Exceptions to this rule are made for foreign geographic names which, through usage, have become generic for certain articles and which, for this reason, are no longer considered indications of origin, such as: French bread, Parmesan cheese, French Vermouth, Roquefort cheese, Indian sauce, English sauce, Portuguese sauce, and other names that may be approved. Products (wines, cheeses and others) are prohibited from being designated by geographic names when they have not been prepared in the particular region or locality.

Article 79.—Containers, the contents of which may deteriorate once the container is opened, shall have a warning marked on the principal or a secondary label to the effect that the product must be consumed immediately. **[The End]**

FDA-FLI ANNUAL CONFERENCE TO FEATURE PANEL WORKSHOPS

Industry and consumers will have an opportunity to discuss mutual interests with the Food and Drug Administration, United States Department of Health, Education and Welfare, in the Eighth Annual Conference sponsored by the Food and Drug Administration and the Food Law Institute. The conference will be held in Washington, D. C. on Monday, November 30, 1964.

The purpose of the joint conference is to promote understanding of and voluntary compliance with the nation's pure food and drug law. Four food and drug workshop sessions will have as their theme "What Industry Needs from FDA for Better Compliance." A consumer panel will have the theme "What the Public Wants in Consumer Education."

So that all participants in the conference can get the benefits of the five separate sections, experts in the fields covered by each panel have been designated as reporters to sum up at a joint session the highlights of each workshop. The use of simultaneous workshop panel sessions in this fashion will permit a broader coverage of subject matter than heretofore has been possible for the one-day conference and also will facilitate a freer exchange of information and views.

A further innovation for this year's conference will be an exhibition of outstanding visual communications chosen by a special review committee from entries submitted by government agencies and industry. These will include outstanding motion pictures, filmstrips and exhibits used to answer public interest in the integrity of foods, drugs and cosmetics; to further good manufacturing and marketing practices; and to promote voluntary compliance.

National and International Food Standards

By FRANKLIN M. DEPEW

Mr. Depew, President of the Food Law Institute, Inc., Presented This Paper Before the American Chemical Society, Division of Agricultural and Food Chemistry Symposium on the Impact of Food Laws on International Trade, in Chicago, Illinois, on September 3, 1964.

FOOD STANDARDS are of fundamental importance in conserving the consumers' ability to choose. They may also serve important economic purposes in promoting fair practices in the industry. It is significant that all developed countries have adopted standards of various types for many basic foods. However, because of differing backgrounds, dissimilarity and varieties of characteristics of the same food produced in different places, dissimilarity of raw materials, climatic conditions, and dissimilar food habits, these standards and the laws generally regulating foods in the various countries are quite different. In fact, these standards and laws are so different that they have created a diversity detrimental to consumers and international trade. One of the reasons for such a result is the fact that much of the legislation in this field has been piecemeal legislation, enacted from time to time to deal with special problems or situations as they presented themselves in the course of years. Only a few countries have attempted the task of codifying or compiling and coordinating the many laws and regulations dealing with food and related items.

The Lack of Uniformity in Food Standards

A by-product of this method of promulgating legislation in the food field as indicated has been that the laws and standards have operated in many instances as a nontariff means by which countries can, and do, effectively restrict imports. A number of countries deny admittance to, or impose restrictive limitations on the amounts of

certain components that can be used in various food products. While some of these restrictive provisions may be the result of an intention to discriminate, it is probable that many of them have come about by reason of the fact that this hodge-podge of laws and standards has resulted from differing interpretations of scientific data. Thus, further technological knowledge about these subjects should hasten the day when harmonization of these laws and standards is achieved in the interest of the consumer and the public health, as well as in the interest of furthering international trade. It is important that you should be aware of the fact that lack of uniformity presently exists with respect to the evaluation of scientific data. This lack of uniformity does not conform to scientific discipline. Where substances have been scientifically shown to be safe, their general acceptance would appear to be in the public interest. Common standards of methods and control would greatly aid international trade, and still assure safety and purity. As scientists you should insist that any wholesome, honestly labeled food should have an equal chance in the marketplace.

Official Recognition of the Problem

As members of the American Chemical Society, you will be interested to learn that those who first recognized the problems created by these conflicting laws were chemists. The advantages of, and need for, the establishment of uniform guiding principles and model standards for manufactured foods, were first officially recognized in a resolution proposed by Dr. Antonio Ceriotti, and adopted by the first South American Chemical Congress meeting in Buenos Aires in 1924, which called for the drafting of a *Codex Alimentarius Sudamericanus*. Thus, we in the Western Hemisphere can take pride in the fact that it was here that the advantages of food law harmonization were first emphasized. However, it was not until 1955 at the sixth Latin-American Chemical Congress that the matter received serious consideration. At that meeting a drafting committee was established under the chairmanship of Dr. Carlos A. Grau of Argentina.

Dr. Grau has an international reputation as a chemist, pharmacologist and pioneer in modern food legislation. He is the author of the Food Code of the Province of Buenos Aires which served as the model for the first National Food Code of Argentina which was adopted in 1953 and which in turn greatly influenced the preliminary draft of the Latin-American Food Code.

European Council Established

The suggestion for a European agreement on a common food code was presented at a conference of the Research Group of the German food industry held in Bad Neuenar in June 1953. Dr. Hans Frenzel, president of the Commission on the Austrian *Codex Alimentarius,* took the initiative of launching the idea of a European *Codex* at this meeting, an idea which was supported later on by Dr. Otto Högl of Bern, Switzerland. After a number of conferences were held on the subject, a European *Codex Alimentarius* Council was established in June 1958, with Dr. Frenzel as its first president. He was later succeeded by Dr. Högl.

Joint FAO/WHO *Codex Alimentarius* Commission Established

The European Council of the *Codex Alimentarius* concluded that the task of furthering the objective of international food standards should be undertaken under the auspices of the United Nations and it submitted such a proposal to the Secretaries-General of the Food and Agriculture Organization and the World Health Organization. This resulted in a Joint FAO/WHO Conference on Food Standards, held at the Palace of Nations, Geneva, Switzerland, October 1-5, 1962. It was called to consider a proposal that international food standards should be established and a recommendation that the principal organ to carry on the work be a Joint FAO/WHO *Codex Alimentarius* Commission. The conference concluded that such a commission should be established, and that guidelines be set up for its work. The conference also went on record as expressing the belief that following these guidelines, the Commission would effectively be able to continue the work and build upon the tradition and further the aims of the European Council founded by Dr. Frenzel, as well as the Latin-American Food Code work launched under the leadership of Dr. Grau.

While food lawyers may not have been the first to see the need for harmonization in this field, they have recognized that the lawyer, more than anyone else, has the obligation of assisting in reducing to a minimum those divergences of legal rules and other juridical principles that hinder the bettering of international relations. It was for these reasons that the members of the Section of Food, Drug and Cosmetic Law of the Inter-American Bar Association have for many years supported in principle the action taken by the Council for the Latin-American Food Code and its predecessors. The Bar Association Section has also passed resolutions favoring the sound harmonization

of food laws, regulations and standards. The Food Law Institute, too, has endeavored to contribute to this effort toward harmonization by making translations of the Latin-American Food Code available to American industry for comment; by sponsoring a Joint Conference in London, July 1957, with the scientific organizations in Great Britain, on chemical additives in food; and by presenting a statement for the first session of the Joint FAO/WHO *Codex Alimentarius* Commission in Rome, June-July 1963, on "suggested principles for consideration in drawing up international food standards." While so far as I am aware, food legislation and standards have not received much attention from European lawyers, international business transactions and foreign operations have continued to increase and hold their interest. I am confident that enlightened lawyers everywhere will recognize that they have an important responsibility in making every possible effort to assist the Joint FAO/WHO *Codex Alimentarius* Commission in achieving workable standards which will promote harmonization. It was my privilege to recommend to the International Bar Association at its recent conference in Mexico City, July 1964, that that Association consider the need for the legal profession to assist in this work and the ways whereby this can be accomplished.

Operation on a Governmental Basis

As the Joint FAO/WHO *Codex Alimentarius* Commission is a United Nations instrumentality, all its work is on a government-to-government basis. Thus, consideration of all standards, and their adoption and approval for publication in the *Codex*, will be by official representatives of the participating governments. Therefore, scientists and lawyers who wish to support a point of view felt to be in the public interest or as furthering sound harmonization must do so through their government delegations. The United States Government and other nations have afforded industry the privilege of participating in this work by appointing industry scientists and lawyers to delegations and to expert committees. Further, the United States Government through its delegation has consulted with American industry and plans to continue to seek advice and guidance from industry on these important problems, as well as keeping industry informed in its respective fields of interest.

The purpose and function of the Joint FAO/WHO *Codex Alimentarius* Commission is to develop, simplify, and harmonize international food standards. Its responsibility is to coordinate all food standards

work undertaken by international governmental and nongovernmental organizations; to finalize standards; and, after acceptance by the governments, to direct their publication in the *Codex Alimentarius*, a publication which will include all internationally adopted food standards. Memembership in the Commission is open to all member nations and associate members of FAO and/or WHO.

The Rome Meeting

The Commission held its first session at FAO headquarters in Rome, Italy, June 25-July 3, 1963. The delegates honored the United States by electing Mr. John L. Harvey, Deputy Commissioner of Food and Drugs, as their chairman for a two-year period, clearly a recognition of the leadership position of the United States and of the ability of Mr. Harvey.

Through discussion and debate at the Rome meeting the principle was firmly established that the food standards work of the *Codex Alimentarius* Commission should be on an international basis and only in those instances where no other alternative was available (primarily in the case of highly perishable commodities) should standards be on a regional basis, and then recognition must be given to equivalency of products coming from outside the region.

The Commission endorsed the proposal that the standards to be adopted should be of two types—first, minimum "platform" standards, and second, the higher standards generally referred to as "trading" standards. Minimum "platform" standards may be expected to be below the legal requirements of most highly developed countries. On the other hand, such minimum standards might very well help improve the production of the developing countries. Such improvement is one of the aims of FAO.

To get its program of work underway, the *Codex Alimentarius* Commission allocated preparatory work on draft standards, largely in accordance with the list of priorities previously established by the Joint FAO/WHO Conference held in Geneva in 1962. The assignments were made either to *ad hoc* expert committees established by the Commission or to existing outside specialist bodies. The Commission selected the countries to chair the various expert committees and determined that membership on the committees will be open to all member nations. Among the more important of these committees are those on food additives and pesticides.

The Commission also adopted a number of "guiding principles" for use by its expert committees and other bodies preparing draft standards for its consideration. The general aim is to arrive at standards that are both practical and meaningful from the standpoint of trade as well as consumer interests. So-called "recipe" standards are to be avoided. The Commission also considered in first reading eight draft standards that had been drawn up by various organizations before the Commission was constituted. These drafts were referred to governments for detailed comments.

The Geneva Meeting

The second session of the *Codex Alimentarius* Commission will be held in Geneva, Switzerland, September 28-October 7, 1964. This session will be largely concerned with the detailed consideration in second reading of the draft standards on which comments have been received from governments. It will also be concerned with the reports on work accomplished by expert committees and other specialist groups to which the Commission last year made assignments for promulgating standards and developing drafts of various background papers.

Another development which hopefully may aid the *Codex* Commission work is the establishment of the Common Market. On March 25, 1957 the treaty of Rome was signed. It established the European Economic Community (EEC), which includes West Germany, France, Italy, Belgium, Holland and Luxemburg, as an economic union making up a common market between the signatory countries. According to the treaty, at the end of a transitory period of twelve years (consisting of three stages of four years each), which can be extended to fifteen years, the movement of persons, services and capital will be entirely liberalized, including the uniformalization of their respective national laws insofar as it is required by the Common Market for its orderly operation. Among the bodies established to attain those objectives is the Common Market Commission made up of nine members who function in complete independence from the countries of which they are nationals, and the Council of Ministers, a college of representatives of the governments. The Council has the power of laying down the statutory provisions of the treaty which have executive force and prevail over national laws. This system presents difficulties in that each country has to adjust its regulations, possibly even its basic statutes, to the convention within a definite, relatively short, time. Tact and integrity are called for to secure the cooperation of the member nations

to the operational aspects of such a program. The system may be expected to be effective in due course in harmonizing the food laws and standards in the Common Market. However, should the EEC fail to continue to work closely with the *Codex* Commission, it is possible that standards may be established by the EEC which are not uniform with the rest of the world. If this should occur it would be because of political considerations at variance with objectives of sound food standards.

Another agreement of interest to the problem of food standards is the General Agreement on Trade and Tariffs (GATT), signed by some 20 countries in Geneva on December 31, 1947. The purpose of this agreement is to obtain, on the basis of reciprocity and mutual advantages, a substantial reduction in tariffs and other trade barriers as well as the elimination of discriminatory treatment in matters of international trade. To the extent that some of the existing food laws and standards operate as trade barriers, they might conceivably become the subject of negotiation at a later GATT conference. However, the *Codex Alimentarius* offers a better forum where the technical and scientific aspects of these provisions may be discussed in an objective manner. It is to be hoped that any problems will be solved successfully by the Commission in the years ahead.

The program of work adopted by the Commission will require the active participation of the United States in the expert committees considering standards for commodities moving in trade to and from the United States. While these standards are only advisory in nature, unless accepted by the United States, they are certain to play an important role in international trade since many countries may be expected to use them in their specifications for international trading purposes. Furthermore, as participating countries may be expected to exert pressure to adopt those standards as legal standards, the American food industry's future interest is not only in the foreign trade aspects of the standards, but in their possible effect on domestic food products if a present standard is revised to conform to the international food standard. Indeed, even without such international standards, some United States food standards have been criticized as being too high by both foreign governments and by foreign shippers desiring to sell their products in the United States.

In closing I would emphasize that food standards should be developed on a sound scientific basis—not on misinformation or political expediencies. There should be an international acceptance of valid analyses and the results of competent tests. **[The End]**

The Scientists' Forum

Public Health and Unrelated Aspects of International Food Laws

By BERNARD L. OSER

President and Director, Food and Drug Research Laboratories, Inc.

Dr. Oser, This Magazine's Scientific Editor, Presented This Paper at the American Chemical Society, Division of Agricultural and Food Chemistry Symposium on the Impact of Food Laws on International Trade. The Meeting Was Held in Chicago, Illinois, on September 3, 1964.

DIFFERENCES IN FOOD LAWS AND REGULATIONS have for years been recognized to be restrictive to international commerce in agricultural and food products. Recent efforts to eliminate tariff barriers have pointed up the fact that these laws are not, as might be supposed, based solely or even principally upon considerations of health or safety. Economic interest looms large among the unrelated factors which determine a nation's food laws. These relate not only to the protection of the consumer's pocketbook against economic cheating due to inferior quality, slack fill, or misrepresentation, but to protection of the economic interests of farmers and processors against price competition from exporting countries. Negotiations among the Common Market countries have focused attention on the extent to which food laws have served to raise tariff walls which it is planned to tear down to meet the objectives of the European Economic Community. In the light of these activities toward reaching international trade agreements, special interest attaches to the degree to which food laws of any country operate, intentionally or unintentionally, to protect against foreign competition, and to recognize the distinction between laws and regulations which have a scientific or health basis and those motivated by national economic advantage.

Cultural and Esthetic Factors

Unrelated to public health are legal restrictions based on cultural or esthetic preferences. In some countries technological facilities, particularly with respect to packaging, storage, and distribution, are such as to permit a high degree of sanitation and cleanliness. Our own laws demand this to a unique degree, even where the risk of injury to health may not be significant. Other countries may not be able to afford the luxury of high standards of freedom from insect or rodent contamination and their regulations may not therefore be as stringent.

National variations in food habits or preferences and in agricultural production based on geographic, climatic, or ecologic factors are also responsible for differences in food laws though they may have no relation to health or safety. American consumers reject rancid butter and rarely eat raw fish, whereas other nationalities regard eggs or pork as repugnant. We raise objections to whole fish flour but regard oysters and clams as delicacies, whereas in other countries the reverse is true. Though French bread may not keep as well as our white bread, it may taste better even when carried home unwrapped under the arm or on back of a bicycle; but American housewives prefer their bread sliced and wrapped at the bakery.

They also like to buy oranges of uniform size and color. In Germany there is an almost mystical belief in the wholesomeness and purity of that which is "naturrein" notwithstanding the fact that far more objective, toxicological evidence exists for the safety of many synthetic food additives than for natural food components. Therefore we find in Germany a general reluctance to expand the list of permissible food additives.

Thus the underlying concept of how far food legislation should go to protect the public has strong philosophical undertones, ranging all the way from the old principle of *caveat emptor* ("Read the Label") to safeguarding the esthetic sensibilities and cultural preferences of the consumer.

Technological Considerations

In agricultural communities food is consumed where it is grown and there is relatively little need for preservation or stabilization as compared with highly industrialized communities where the regulatory emphasis must reflect local needs for storage and distribution. Efficient large scale farming and conservation of produce require protection from weeds, fungi, insects and other unwelcome species of

plant and animal invaders. Thus pesticides are a necessary adjunct to agricultural production in all but the most primitive countries. Furthermore, in urbanized societies, mass production and distribution of foods of uniformly high quality demand the use of machinery, processing aids, and packaging materials. This inevitably results in contact with metals, lubricants, protective lacquers, plastics, and other packaging components. As a consequence, the industrial economy of technologically sophisticated countries has had an important bearing on regulatory measures. However the scope of this area of control varies. For example, Canada has not yet begun to regulate the components of food packaging, whereas a major part of our food additive regulations is directed toward various categories of these materials.

This account of the factors responsible for national differences in food laws would be incomplete without reference to the relative magnitude of the inspection force, the scientific and legal staffs, and the testing laboratories essential to the enforcement of such laws. Our Food and Drug Administration, not to mention the corresponding state and municipal agencies, is without doubt the largest such agency in the world, and even so is not adequate to the task. Many other countries, both highly and "less highly" developed, have enacted rather elaborate food legislation but have neither the facilities nor the resources properly to implement these laws.

We should have no quarrel with any country that chooses to set up tariff walls for the frankly expressed purpose of protecting its domestic agriculture or industries. Protectionism has been a traditional aspect of our own national economy and continues to dominate our policy in certain respects, for example, in our recently enacted law establishing beef import quotas. The advantages or disadvantages of protective tariffs are outside the range of competence of the present author to discuss. However, health officials, chemists, and toxicologists have the right to question the soundness of reasons advanced in the interest of public health to justify trade barriers, especially when economic motivation is strongly suspected. Moreover, they should object to the use of spurious, invalid, or extreme reasons. For instance, our restriction against imports of uncooked meat from Argentina may have had a sound sanitary basis at one time, but is the threat of hoof and mouth disease today sufficient to warrant continuation of this ban?

After extensive scientific evidence in support of its safety, arsanilic acid has been permitted for use under prescribed conditions as a coccidiostat and growth promoter in poultry feed. But France bars

the importation of poultry from any country which does not have a law prohibiting the use of arsenicals. Is this restriction well-founded on scientific evidence? It is of more than passing interest that antimonials (which also come under this prohibition) were included because of their misuse in France to induce fatty livers in geese.

In the United States we do not inspect pork for trichina, relying instead on proper refrigeration and cooking recommendations to insure against infection. European countries on the other hand maintain elaborate inspection systems. Which is the more reliable approach to the trichinosis problem—ours or theirs?

In order to provide for the safe use of food colors, the only so-called coal-tar colors allowed in various countries are those included in permitted or "positive" lists. The chaotic state of these lists is illustrated by the fact that out of a total of 43 permitted colors listed collectively by the United States, Canada, Great Britain, and the European Economic Community, we permit 11, Britain permits 30, and only three (amaranth, indigotine, and sunset yellow FSF) are permitted by all of these countries. We go a step further in requiring United States certification of each batch of these colors regardless of where they are produced. To add to the confusion, we have adopted a numerical system of nomenclature for colors intended for food, drug, or cosmetic use, instead of using their common names and Color Index numbers as is done in the rest of the world.

Confusion in Definitions and Standards

This brings us to the general problem of differences in terminology and definitions which create semantic barriers to international commerce, particularly in connection with the labeling of foods. What we call corn sirup must be described in other countries as liquid glucose or starch sirup; our marmalade must be made only from citrus fruits whereas in other countries it simply describes a type of jam; our "bread" is only white bread unless otherwise qualified. Only certain forms of smoke extract or condensate are permitted for use in this country as seasoning or flavoring in meat products but not other forms since their use may have preservative value. Dr. Durrenmatt has described the various definitions and labeling requirements in different countries of Europe, for bouillon cubes, none of which have any conceivable relation to health or safety.

Labeling regulations vary from one extreme to the other, from requiring no information with respect to ingredients of food mixtures

to requiring a complete listing, including the often incomprehensible chemical names of permitted (hence safe) additives. We are told that one internationally known food company has to use as many as twenty different forms of label declaration on certain products, irrespective of language differences. Some countries have gone so far as to demand dating of canned fruits, although conditions of storage are not specified. Canada has required label revisions on the majority of foods imported from the United States.

Food Standards

The need to remove unnecessary restrictions to trade among European countries was largely responsible for the revival of the *Codex Alimentarius* project under the auspices of the Food and Agriculture Organization and the World Health Organization. This intergovernmental venture has been spurred on by the effort of the European Economic Community to "harmonize" food laws among the Common Market nations. It has taken on the rather formidable objectives of developing uniform standards for identity, quality, and purity, for sampling and analysis, for sanitation and hygiene, and for the use of food additives and pesticides. Our government is playing an active role in the *Codex Alimentarius* project and we shall hear more about it from other speakers in this symposium. However, it should be pointed out that multilateral international codes are essentially recommendations and have no legal force unless officially adopted by the countries concerned. It remains to be seen what influence these *Codex* standards will have, if any, on definitions and standards of identity already adopted in the United States.

Uniformity of food standards on a world basis is hardly to be expected, nor is it desirable since national needs and preferences may vary. Hence food standards should be drawn no more rigidly than necessary to establish the identity of the product and to prevent outright fraud; and they should be flexible enough to permit variations and improvements without sacrifice of the essential integrity of the foods.

Whatever may be the reasons for differences in food standards and regulations, whether they be cultural, esthetic, climatic, technological or economic, it seems hard to justify them on grounds of health or safety. Conclusions based on nutritional and toxicological evidence rest to a major extent upon sound and sufficient experimentation with animals and on interpretation by qualified scientists. Rats

recognize no national boundaries. If a given level of intake of a food additive or pesticide residue is deemed to be safe and acceptable for an American, it should also be safe for a European, Asian or African. Whether or not the use of the additive is permitted, in specific foods, or at what tolerance levels, is a matter of local needs and practices.

Therefore it is of vital importance from an international standpoint that the scientific evidence upon which the safe use of direct and indirect additives is predicated and regulations are adopted should be made available not only in the original country but for the benefit and use of all countries engaged in international trade.

An important contribution to the dissemination of information in this area are reports of the Joint FAO/WHO Expert Committee on Food Additives on the evaluation of the toxicity of antimicrobials and antioxidants (Sixth Report); emulsifiers, stabilizers, bleaching and maturing agents (Seventh Report); and the joint report of the corresponding committees dealing with pesticide residues. They summarize the most relevant published reports and cite references. However, much original material remains unpublished or is otherwise difficult, if not impossible, to obtain.

The same may be said of related scientific information needed to determine conformity to specifications of identity, quality and purity. Lack of agreement as to methods of sampling and analytical procedures has plagued many an importer and exporter of food and agricultural commodities. In the area of pesticide residue analysis, where methods have been in a state of constant evolution and require a high degree of sophistication and instrumental technique, the lack of analytical information and facilities is a hindrance to adequate regulatory control and hence to commerce between nations. It is not surprising therefore that some countries prefer to prohibit the use of certain pesticides, for example, rather than to establish the conditions of permissive use.

International Communications

The importance of better international understanding with respect to the scientific and technological basis for food regulations was brought home to the Food Science Mission which was sent to Europe last December by the Department of Agriculture for the purpose of conferring with officials and scientists of the Common Market countries. It was apparent that the impression created, and in some places exploited, abroad that the use in the United States of chemicals in

agriculture and food processing is undiscriminating and too liberal, stems in large measure from unfamiliarity with our laws and regulations, with the exhaustive long-term studies generally involved in safety evaluation, and with the inspection and monitoring activities of our federal and local agencies. To some extent chemical and toxicological evidence in support of the decisions taken by FDA are reported in scientific literature but such papers often appear rather late and, in any case, must generally be searched out by interested parties or agencies. What is needed is to remove the cloak of secrecy that often surrounds such data and take a positive approach to the dissemination of this information to authorities responsible for influencing or making decisions in other countries. In fact the Food Science Mission recommended that a periodical information sheet be published in all the major European languages explaining our laws and regulations, summarizing or citing pertinent scientific material, and announcing events of interest in the field of food science, with emphasis on the regulatory aspects. Joint United States-European conferences under nongovernmental auspices were also proposed. In partial fulfillment of this objective, the United States Department of Agriculture has established a liaison officer, in the person of Mr. Clinton Brooke, in Brussels, the headquarters of the EEC.

Summary

In summary, it may be stated that the factors which motivate and are responsible for differences in food laws among various countries are numerous. Besides considerations of health and safety they include dietary, cultural and esthetic preferences, climatic, geographic, and ecologic factors, the degree of technological advancement, financial resources, and last but not least, national self-interest. In the latter connection it must be agreed that it is the prerogative of any country or group of countries to set up tariffs or other trade barriers for frankly protectionist reasons. But, it is stretching scientific credulity to contend that foods or food components that are critically evaluated and found to be safe for one nation's population should be restricted on the ground of unwholesomeness or unsafety for another's. Better communications and understanding will go far toward establishing international agreement on matters of health or safety insofar as they affect food laws. **[The End]**

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