

CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOOD**CAC/RCP 20-1979 (Rev. 1-1985) ¹****PREAMBLE**

The Codex Alimentarius Commission,

recognizing that:

- (a) Adequate, safe, sound and wholesome food is a vital element for the achievement of acceptable standards of living and that the right to a standard of living adequate for the health and wellbeing of the individual and his family is proclaimed in the Universal Declaration of Human Rights of the United Nations;
- (b) Food is a vital and critical item of international trade and its quality is influenced primarily by prevailing commercial practices and such food legislation and food control practices as are in operation in particular countries;
- (c) Food purchases utilize a significant portion of the income of consumers, particularly low-income consumers, who often also represent the most vulnerable group and from whom the ensurance of safe, sound and wholesome food and protection from unfair trade practices is quite critical;
- (d) There is increasingly worldwide concern about food safety, food contamination through environmental pollution, adulteration, unfair trade practices in quality, quantity and presentation of food, food losses and wastage and, generally about the improvement of food quality and nutritional status everywhere;
- (e) Food legislation and food control infrastructures are not sufficiently developed in many countries to enable adequate protection of their food imports and prevent the dumping of sub-standard and unsafe foods;
- (f) The GATT Agreement on Technical Barriers to Trade represents an appropriate instrument for the regulation of international trade;
- (g) The International Code of Marketing of Breastmilk Substitutes sets forth principles for the protection and promotion of breast-milk feeding which is an important aspect of primary health care,

and considering that:

- (a) The major objectives of the work of the Codex Alimentarius Commission are to protect the health of the consumer and ensure fair practices in the trade in food and to facilitate international trade in food through the elaboration and harmonization of definitions and requirements for food;

¹ At its 13th Session, held in December 1979, the Commission adopted the Code of Ethics for International Trade in Food, and decided to send it to all Member Nations and Associate Members of FAO and/or WHO for consideration with a view to implementation. The Code was amended by the 16th Session of the Commission held in July 1985. This Code was developed in the light of the consideration that many countries - particularly developing countries - do not yet have adequate food control infrastructures to protect consumers against possible health hazards in food and against fraud.

Governments are invited to inform the Secretariat of the Codex Alimentarius Commission – Joint FAO/WHO Food Standards Programme, FAO, Rome - of action taken to implement the Code (see Article 10).

- (b) The above stated objectives can best be achieved by each country establishing or strengthening its food legislation and food control infrastructures and, where necessary, taking advantage of the work of international organizations competent to advise and provide assistance in these areas and particularly of the recommendations of the Codex Alimentarius Commission;
- (c) A code of ethical conduct for the international trade in food embodying the principles of sound consumer protection can supplement and complement the establishment and strengthening of national food legislation and food control infrastructures and, at the same time, provide an internationally agreed norm and framework for the realization of practical and effective international cooperation,

hereby decides to recommend that all those engaging in the international trade in food commit themselves morally to this code and undertake voluntarily to support its implementation in the larger interest of the world community.

ARTICLE 1 – OBJECTIVE

1. The objective of this code is to establish standards of ethical conduct for all those engaged in international trade in food or responsible for regulating it and thereby to protect the health of the consumers and promote fair trade practices.

ARTICLE 2 – SCOPE

2.1 This code applies to all food introduced into international trade.²

2.2 This code establishes standards of ethical conduct to be applied by all those concerned with international trade in food.

ARTICLE 3 - DEFINITION AND INTERPRETATION

3.1 For the purposes of this code, "food" means any substance, whether processed, semi-processed or raw which is intended for human consumption and includes drink, chewing gum and any substance which has been used in the manufacture, preparation or treatment of "food" but does not include cosmetics or tobacco or substances used only as drugs.

3.2 In their interpretation and application, the provisions of this code are interrelated and each provision shall be construed in the context of the other provisions.

ARTICLE 4 - GENERAL PRINCIPLES

4.1 International trade in food should be conducted on the principle that all consumers are entitled to safe, sound and wholesome food and to protection from unfair trade practices.

4.2 Subject to the provisions of Article 5 below, no food should be in international trade which:

- (a) has in or upon it any substance in an amount which renders it poisonous, harmful or otherwise injurious to health; or
- (b) consists in whole or in part of any filthy, putrid, rotten, decomposed or diseased substance or foreign matter, or is otherwise unfit for human consumption; or
- (c) is adulterated; or

² It is understood that the principles of this code should also apply, *mutatis mutandi* to concessional and food aid transactions.

- (d) is labelled, or presented in a manner that is false, misleading or deceptive; or
- (e) is sold, prepared, packaged, stored or transported for sale under unsanitary conditions.

ARTICLE 5 - SPECIFIC REQUIREMENTS

Food standards

5.1 Appropriate and adequate national food standards should be established and enforced taking into account that uniform consumer protection and the orderly marketing of food can be better achieved through the acceptance of food standards elaborated by the Codex Alimentarius Commission or the adaptation of national standards to such international recommendations.

Food hygiene

5.2 Food should be subject at all times to sound hygienic practices as set forth in the codes of practice elaborated by the Codex Alimentarius Commission.

Labelling

5.3 All food should be accompanied by accurate and adequate descriptive information particularly:

- (a) in the case of prepackaged food, labelling should be in accordance with provisions and standards elaborated by the Codex Alimentarius Commission; and
- (b) in the case of food in bulk and non-retail containers, labelling should be in accordance with the Codex recommendations for the labelling of non-retail containers of food.

Food additives

5.4 The use of and the trade in food additives should be in accordance with criteria in the General Principles for the Use of Food Additives adopted by the Codex Alimentarius Commission, taking into account the Codex lists of approved food additives.

Pesticide residues

5.5 Limits for pesticide residues in food should be subject to control and should take into account the international maximum limits recommended for pesticide residues elaborated by the Codex Alimentarius Commission.

Microbiological contaminants

5.6 All food should be free from micro-organisms and parasites in amounts harmful to man and should not contain any substance originating from micro-organisms or parasites in an amount which may represent a health hazard.

Other contaminants

5.7 Levels of other contaminants in food should be subject to control and should take into account the international maximum levels recommended for contaminants elaborated by the Codex Alimentarius Commission.

Irradiated food

5.8 Irradiated food should be produced and controlled in accordance with provisions and standards of the Codex Alimentarius Commission.

Foods for infants, children and other vulnerable groups

5.9 Food for infants, children and other vulnerable groups should be in accordance with standards elaborated by the Codex Alimentarius Commission.

Nutritional aspects concerning in particular vulnerable groups and regions where malnutrition exists

- 5.10 (a) No claims ³ in any form should be made about food - particularly processed food - with minimal nutritive value which implies that the food can make a valuable (significant) contribution to the diet.
- (b) Information concerning the nutritional value of food should not mislead the public.

ARTICLE 6 – IMPLEMENTATION

6.1 Food that is exported should conform:

- (a) to such food legislation, regulations, standards, codes of practice and other legal and administrative procedures as may be in force in the importing country; or
- (b) to the provisions contained in bilateral or multilateral agreements signed by the exporting country and the importing country; or
- (c) in the absence of such provisions to such standards and requirements as may be agreed upon, with emphasis on the use of Codex Standards wherever possible.

6.2 Where the General Principles stated in Article 4 above, as expanded in specific terms in Article 5, are not covered by appropriate food legislation, regulations, standards, codes of practice and other legal and administrative procedures in the importing country, food that is exported should conform to the General Principles stated in Article 4, taking into account such standards, codes of practice or other guidelines elaborated by the Codex Alimentarius Commission as applicable to the food or practice concerned.

6.3 Where, in an importing country, a food product:

- (a) is found not meeting health and safety considerations; or

³ General Guidelines on Claims have been developed by the Codex Committee on Food Labelling and adopted by the Codex Alimentarius Commission (see this Volume of the Codex Alimentarius).

- (b) claiming to be in compliance with a standard, code of practice or other generally accepted certification system is found not to be in compliance, whether in respect of the label accompanying the product or otherwise; or
- (c) is the subject of unfair trade practices, or otherwise not conforming to the provisions of this code,

the authorities of the importing country should inform the competent authorities in the exporting country of all the relevant facts of serious cases involving considerations of human health or fraudulent practices and, in particular, the details of the origin of the product in question, and appropriate action should be taken by the exporting country in accordance with its legal and administrative procedures, and a statement concerning the facts of the matter made to the importing country.

ARTICLE 7 - RESPONSIBILITIES FOR IMPLEMENTATION

7.1 The implementation of this code rests with:

- (a) governments of all countries, who should provide adequate food legislation and food control infrastructures, including certification and inspection systems and other legal or administrative procedures that also apply to re-exports of food as appropriate and necessary; and
- (b) more especially governments of exporting countries who should:
 - (i) employ as appropriate and practicable, legal or administrative controls aimed at preventing the exportation of shipments of food which does not comply with the provisions of Articles 6.1 or 6.2;
 - (ii) promptly notify the importing country of the exportation of shipments of food found not to comply with 6.1 when legal or administrative means of preventing exportation are not available or were unsuccessfully applied or where non-compliance was determined after exportation;
 - (iii) make available to the importing country upon request appropriate certification, inspection or other procedures as appropriate with the manner of compensation for these services to be agreed upon between the governments.
- (c) all concerned with the international trade in food - particularly in respect of Article 6.1 (c) - who should take into account, as appropriate, the General Principles in Article 4,

and further, will depend on:

- such cooperation and consultative procedures as may be established between governments of importing and exporting countries, and, generally, between all those concerned with international trade; and
- the extent to which international food standards, codes of practice and similar other recommendations, elaborated by the Codex Alimentarius Commission are considered and accepted where relevant and appropriate.

7.2 The code should be promoted by governments in their respective territorial jurisdictions in accordance with their legal and administrative procedures regulating the conduct of exporters and importers.

ARTICLE 8 - EXCEPTIONAL CIRCUMSTANCES

8. Where special circumstances exist under which it is neither possible nor desirable to apply certain provisions of this code, as in the case of famines and other emergency situations (where the appropriate competent authorities in recipient and donor countries responsible for food control may decide to establish mutually agreed criteria), due regard should always be given to the basic principles of the safety of the food and other provisions of this code as may be applicable under those circumstances.

ARTICLE 9 - EXCHANGE OF INFORMATION

9. Countries denying entry to food for reasons involving serious considerations of human health or fraud and having reason to believe the food may be offered for sale in other countries should use whatever appropriate facilities exist to warn those countries.

ARTICLE 10 – REVIEW

10. From time to time, each government will be requested to submit to the Secretariat of the Codex Alimentarius Commission a report on the implementation of this code. Such reports should be compiled and presented to the Codex Alimentarius Commission for its consideration of progress achieved and of any improvement and additions or otherwise which might become necessary, and to enable it to make appropriate recommendations. Such consideration should take into account the evolution of health, safety and trade factors related to the principles upon which this code is based and on its objective.