

# NON-RETAIL PACKAGING LABELLING

















## How should it be labelled in Asia?



Non-retail packaging refers to bulk packaging or containers that are used for shipment of goods between businesses and wholesalers, rather than for direct sale to consumers. Currently, no harmonised labelling standards for such packaging has been established yet. At Codex, “Non-retail container” means any container that is not intended to be offered for direct sale to the consumer. The food in the non-retail containers is for further food business activities before being offered to the consumer.

Codex is working with many member countries and observers to draft up a proposal and guidance on the labelling standards of non-retail containers. Once published, this guideline or standard would likely be adopted by Asian countries.

## ASIA AT A GLANCE

Labels Required	Countries
The information required on secondary labelling (non-retail packaging) is the same as primary labelling (pre-packaged foods)	   
Secondary labelling is exempted from the labelling requirements of pre-packaged foods	  
No provisions	        

## CODEX

The draft document on Labelling Standards of Non-retail Containers<sup>1</sup> was first proposed in April 2016, followed by a draft guidance document<sup>2</sup> and the final report<sup>3</sup> of the 45<sup>th</sup> session of the Codex Committee on Food Labelling (CCFL) released in May 2019. Based on the latest documents, the mandatory information required on secondary packaging has been specified, along with definitions of key phrases and details on the method of presentation. The draft labelling standards for non-retail packaging have been established to follow that of pre-packaged foods. A summary of the provisions is given below.

Mandatory Labelling (for both pre-packaged and non-retail products):

- Name of Food
- Net Contents
- Lot Identification
- Date Marking
- Marking or statement “Non-Retail Container” or “Non-Retail Container – Not for Direct Sale to Consumer”

While the above are required to be labelled on the pre-packaged foods or non-retail containers, the draft guidance also informed that all other mandatory requirements with reference to the General Standard for Labelling of Prepackaged Foods (GSLPF) shall be provided by other means e.g. accompanying documents.

The following countries or region took part in the discussion and drafting of the Codex Report – Australia, EU, India, Indonesia, Korea, Malaysia, New Zealand, Philippines, Singapore, Thailand and the USA.

## USA

In the US, non-retail food packaging is exempted from the general labelling requirements, as stated under Chapter I Sub-chapter A, Part 1 Sub-part B, Section 1.20<sup>4</sup> of CFR 21. Detailed differentiation between retail and non-retail containers are specified under individual sections.

Nutrition labelling may also be omitted in secondary labels, according to the FDA Food Labelling Guide<sup>5</sup>.

<sup>1</sup> Discussion Paper on Labelling of Non-retail Containers. (2016). Codex. Retrieved from: [http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-714-43%252FWFD%252Ffl43\\_06e.pdf](http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-714-43%252FWFD%252Ffl43_06e.pdf)

<sup>2</sup> Draft Guidance Document on Non-retail Containers (2019). Codex. Retrieved from: [http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-714-45%252Fdocuments%252Ffl45\\_05e\\_final.pdf](http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-714-45%252Fdocuments%252Ffl45_05e_final.pdf)

<sup>3</sup> Final Report of CCFL45 (2019). Codex. Retrieved from: [http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-714-45%252FFinal%2BReport%252FREP19\\_FLe.pdf](http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-714-45%252FFinal%2BReport%252FREP19_FLe.pdf)

<sup>4</sup> Presence of mandatory label information. (2020). Office of the Federal Register. Retrieved from: [https://www.ecfr.gov/cgi-bin/text-idx?SID=b5ed78d7c92b6d4f0d27d525f0c38064&mc=true&node=se21.1.1\\_120&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=b5ed78d7c92b6d4f0d27d525f0c38064&mc=true&node=se21.1.1_120&rgn=div8)

<sup>5</sup> Food Labelling Guide. (2013). U.S. Department of Health and Human Services. Retrieved from: <https://www.fda.gov/media/81606/download>

## FSANZ AUSTRALIA & NEW ZEALAND

The FSANZ has established the Food Labelling Requirements<sup>6</sup> collectively for food products sold in Australia and New Zealand. Under Divisions 3 and 4, labelling requirements of products intended for non-retail sale was specified. A summary of the provisions is given below.

### Division 3 – Sale of Food to Caterers

- Product Name
- Lot identification
- Advisory statements, warning statements and declarations
- Date marking information (e.g. Use-by Date)
- Any storage conditions and directions for use
- Information relating to foods produced using gene technology
- Information relating to irradiated food

### Division 4 – Other Non-retail Sales

- Product Name
- Lot identification
- Name and Address of Supplier

## CHINA

In China, general food labelling requirements are covered under Chapter 4, Section 3 of the Food Safety Law<sup>7</sup>. A guide to Food Safety Management System<sup>8</sup> is also available to wholesale and retail establishments, which indicated the mandatory information to be provided to retailers by wholesalers, for record keeping purposes.

However, there is currently no provision on the labelling of non-retail packaging.

## HONG KONG

In Hong Kong, the Food and Drugs (Composition and Labelling) Regulations<sup>9</sup> governs the general labelling requirements of food products. However, there is currently no provision on non-retail packaging labels.

<sup>6</sup> Australia New Zealand Food Standards Code – Standard 1.2.1 – Requirements to have labels or otherwise provide information. (2016). FSANZ. Retrieved from: <https://www.foodstandards.gov.au/code/Documents/1.2.1%20Labelling%20requirements%20v157.pdf>

<sup>7</sup> Food Safety Law. (2015). SAMR. Retrieved from: [http://www.gov.cn/zhengce/2015-04/25/content\\_2853643.htm](http://www.gov.cn/zhengce/2015-04/25/content_2853643.htm)

<sup>8</sup> Food safety management system — Requirements for food wholesale and retail establishments. (2016). CCAA. Retrieved from: <http://www.ccaa.org.cn/images/jsbz/stbzgl/2017/07/07/EADA73F58DFEE595EF5E2B6A63E6FB5D.pdf>

<sup>9</sup> Food and Drugs (Composition and Labelling) Regulations. (2008). CFS. Retrieved from: [https://www.cfs.gov.hk/english/food\\_leg/food\\_leg\\_cl.html](https://www.cfs.gov.hk/english/food_leg/food_leg_cl.html)

## INDIA

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There is currently no provision on non-retail packaging labels in India.

## INDONESIA

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There is currently no provision on non-retail packaging labels in Indonesia.

## JAPAN

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In Japan, general labelling of food products is governed by the Food Labelling Act<sup>10</sup>. The Labelling Standards Q&A Section<sup>11</sup> under CAA addressed some of the labelling requirements of non-retail products. According to Q12, wholesalers are obliged to follow the same labelling standards as retailers, and are required to fill up any mandatory information that is missing. A summary of the provisions is given below.

The following information must be labelled on the product by wholesalers and/or manufacturers:

- Product Name
- Allergen
- Storage Method and Conditions
- Date of Expiry
- Ingredients and Additives
- Nutritional and Calorie Values
- Country of Origin
- Other Relevant Information, etc.

The Overview of Food Labelling Standard<sup>12</sup> specified that these standards do not apply to imported products at the time of custom clearance. However, Q13 and Q14 of the Q & A specified that proper labelling must be present when transactions occur within Japan, i.e. when the importer sells the product to other businesses.

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<sup>10</sup> Food Labelling Act. (2014). CAA. Retrieved from: [http://www.japaneselawtranslation.go.jp/law/detail/?ft=2&re=01&dn=1&yo=&ia=03&ja=04&kana\\_x=14&kana\\_y=19&kn\[\]=%E3%81%97&ky=&page=99](http://www.japaneselawtranslation.go.jp/law/detail/?ft=2&re=01&dn=1&yo=&ia=03&ja=04&kana_x=14&kana_y=19&kn[]=%E3%81%97&ky=&page=99)

<sup>11</sup> Food Labelling Q & A. (2009). CAA. Retrieved from: [https://www.caa.go.jp/policies/policy/food\\_labeling/information/qa/btob\\_01/](https://www.caa.go.jp/policies/policy/food_labeling/information/qa/btob_01/)

<sup>12</sup> An Overview of the Food Labeling Standard. (2017). USDA. Retrieved from: [https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=An%20Overview%20of%20the%20Food%20Labeling%20Standard\\_Tokyo\\_Japan\\_5-26-2017.pdf](https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=An%20Overview%20of%20the%20Food%20Labeling%20Standard_Tokyo_Japan_5-26-2017.pdf)

## KOREA

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In Korea, general labelling of food products is governed by the Food labelling Standards<sup>13</sup>. No distinction was made between food products meant for retail sale and non-retail sale. However, the regulation mentioned that the labelling requirements would apply to all food products packaged in non-transparent containers. A summary of the provisions is given below.

The following information is required on packaged foods:

- Product Name
- Food Type (if specifically designated)
- Name and Address of Business Operators
- Date of Manufacture
- Sell-by Date
- Net Content
- Names and Quantities of Raw Materials (if applicable)
- Names and Quantities of Food Components (if applicable)
- Nutrients
- Other relevant information

## MACAU

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In Macau, the Food Safety Law<sup>14</sup> governs the general labelling requirements of food products. Under Article 3 sub-article 3, details on labelling of food products not pre-packaged was specified. A summary of the provisions is given below.

The following information must be clearly labelled:

- Product Name
- Country of Origin (if otherwise unclear)
- Batch Number, or information on batch identification
- Date of Expiry

There is currently no provision on non-retail packaging labels in Macau.

## MALAYSIA

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There is currently no provision on non-retail packaging labels in Malaysia.

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<sup>13</sup> Food Labelling Standards. (2003). KFDA. Retrieved from: <https://extranet.who.int/nutrition/gina/sites/default/files/KOR%202003%20Food%20Labeling%20Standards.pdf>

<sup>14</sup> Food Safety Law. (2004). Macau Government. Retrieved from: [https://bo.io.gov.mo/bo/i/92/33/declei50\\_cn.asp](https://bo.io.gov.mo/bo/i/92/33/declei50_cn.asp)

## PHILIPPINES

In the Philippines, general labelling of food products is governed by the Labelling Regulations of Pre-packaged Foods<sup>15</sup>. However, secondary or bulk packaging not intended for retail sale may be exempted from these requirements, according to Section VIII of the Labelling Regulations. However, bulk food materials must be properly identified as appropriate, with product specifications provided in supporting documents.

## SINGAPORE

In Singapore, general food labelling regulations are covered under the Sale of Food Act<sup>16</sup>. However, there is currently no provision on non-retail packaging labels.

## TAIWAN

In Taiwan, the Food Labelling Regulation<sup>17</sup> governs the general labelling requirements of food products. There is currently no provision on non-retail packaging labels under the Food Labelling Regulation. However, the Food Import Standards<sup>18</sup> has specified that imported foods not for direct retail sale are exempted from Chinese labelling requirements, under Section II – General Food Labels.

## THAILAND

There is currently no provision on non-retail packaging labels in Thailand.

## VIETNAM

The labelling requirements of food products sold in Vietnam is specified in the Decree on Goods Labelling<sup>19</sup>. While there is mention of secondary labelling of imported products, it refers to the translated labelling available to consumers rather than those on non-retail containers.

There is currently no provision on non-retail packaging labels in Vietnam.

<sup>15</sup> Revised Rules and Regulations Governing the Labelling of Pre-packaged Food Products. (2014). Department of Health. Retrieved from: <https://www2.fda.gov.ph/attachments/article/194724/AO2014-0030%20-%20Revised%20Rules%20and%20Regulation%20Governing%20of%20Prepackaged%20Food%20Product>

<sup>16</sup> Sale of Food Act. (2004). SFA. Retrieved from: <https://sso.agc.gov.sg/SL/SFA1973-RG5?DocDate=20180131>

<sup>17</sup> Food Labelling Regulation. (2014). Council of Agriculture. Retrieved from: <https://law.moi.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0030047>

<sup>18</sup> Food Import Standards. (2019). USDA. Retrieved from: <https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Food%20and%20Agricultural%20Import%20Regulations%20and%20Standards%20Country%20Report%20Taipei%20Taiwan%2012-31-2019>

<sup>19</sup> GVN revised Decree on Goods Labeling. (2017). USDA. Retrieved from: <https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=GVN%20revised%20Decree%20on%20Goods%20Labeling%20Hanoi%20Vietnam%206-15-2017.pdf>

## ANALYSIS

The labelling requirements for secondary packaging is more developed in international spaces, namely FAO and USDA. In Asia, there is generally very little information on non-retail labelling in the regulations established by individual governments. Most countries indicated labelling requirements for pre-packaged foods only and there is no information on non-retail containers labelling.

Comparison across the Chinese region concluded that there is currently no specific regulation on non-retail packaging labelling standards. Information required to be present on secondary packaging is assumed to follow that of primary packaging, in particular for Korea, Japan and Singapore.

In a handful of countries, however, labelling requirements of non-retail packaging is distinguished from that of pre-packaged foods. For example, secondary labelling is exempted from the primary packaging requirements in the Philippines. In the US, non-retail packaging is exempted from nutrition labelling amongst other requirements, while Australia and New Zealand have established a separate section specifically governing non-retail packaging.

The rest of the countries mentioned in this report have participated in the Codex meeting, and are largely in agreement with the standards drafted by the FAO and WHO. Many of the Southeast Asian countries, including Malaysia and Thailand, have provided comments on the drafted standards, which consisted mostly of opinions on the choice of wording and clarifications. They are also supportive of the list of information required for non-retail labels. As such, it is expected that the labelling standards established by Codex could be adopted by the Asian countries, once it is made official.

**This report is prepared by the FIA Regulatory team. Should you have any questions, please contact:**

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