

A REVIEW OF THE EXISTING LEGISLATION IN LATIN AMERICA FOR THE LABELING OF THE MAJOR ALLERGENS PRESENT IN PREPACKAGED FOODS

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The aim of this work was to evaluate the different legislations about the labeling of the major allergens present in prepackaged foods in Latin American countries, and compare them.

The CODEX STAN 1-1985 (Labeling of Prepackaged Foods) was amended in 2001 to include the list of food ingredients that “are known to cause hypersensitivity” and shall always be declared as ingredients. Since then, many countries all over the world, like United States, Japan, Australia, New Zealand, the European Union and others have established regulations regarding food allergens labeling, some countries are about to do so and some others have not implemented this type of regulations yet.

The situation within Latin America is quite similar. There exists specific regulation that requires information regarding allergenic substances on the ingredients list in some countries. There are projects of this kind of regulations that have passed the public consultation stage in Argentina and also in Chile and Mexico, but the corresponding resolutions have not come into force yet. The same situation exists, at regional level, within the countries that set up SICA (Central America Integration System: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panamá) which are harmonizing the “Central American Technical Rule for the Labeling of Prepackaged Foods” that takes into account the declaration of the major food allergens on the list of ingredients. In other Latin American countries and in MERCOSUR (Common Market of the South, integrated by Argentina, Brazil, Uruguay and Paraguay), there is no legislation regarding this subject.

In the next scheme the different regulations are compared among them and also against CODEX STAN 1-1985, regarding which are the allergens that must always be declared and also regarding the permission for the use of precautionary labeling such as “Contains...”, “May contain...” or “This product is manufactured in the same line...”.

CODEX STAN 1-1985 (LABELING OF PREPACKAGED FOODS) AMENDED IN 2001

4.2.1.4 The following foods and ingredients are known to cause hypersensitivity and shall always be declared:

- Cereals containing gluten; i.e., wheat, rye, barley, oats, spelt or their hybridized strains and products of these;
- Crustacea and products of these;
- Eggs and egg products;
- Fish and fish products;
- Peanuts, soybeans and products of these;
- Milk and milk products (lactose included);
- Tree nuts and nut products; and
- Sulphite in concentrations of 10 mg/kg or more.

As can be seen from the scheme, Latin American countries are incorporating allergens declaration on the ingredients list of prepackaged foods. Although most of them follow Codex Standard, there are exceptions. The most remarkable are those from Argentina legislation, which follows the EU exceptions and adds tartrazine to the list, and Nicaragua and México, which exclude soy bean oil.



Countries with regulations about food allergens labeling

BOLIVIA (NB 314001) Codex list Precautionary labeling not mentioned
COLOMBIA (RES N° 0485/2005) Codex list Precautionary labeling not mentioned
COSTA RICA (RTCR 100:1997 Rev 2009) Codex list Precautionary labeling allowed
CUBA (NC 108: 2008) Codex list Precautionary labeling not mentioned
NICARAGUA (NTON 03 021/07) Codex list Precautionary labeling not mentioned
VENEZUELA (COVENIN 2952:2001 1st Rev) Codex list Precautionary labeling allowed

Countries with projects that have passed the public consultation but resolutions have not come into force yet

ARGENTINA Codex list + tartrazine Exceptions: same as COMMISSION DIRECTIVE 2007/68/EC ANNEX IIIa Precautionary labeling not allowed
CHILE Codex list Precautionary labeling allowed
MEXICO Codex list Precautionary labeling not mentioned

Countries with no regulations about food allergens labeling

BRAZIL, DOMINICAN REPUBLIC, ECUADOR, EL SALVADOR, GUATEMALA, HAITI, HONDURAS, PANAMÁ, PARAGUAY, PERU, URUGUAY
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Regarding the permission for the use of precautionary labeling, there are also discrepancies. Chile, Costa Rica, and Venezuela explicitly allow them while in Argentina, on the other hand, its use is explicitly forbidden. At regional level, CICA follows Codex stand and allows the use of precautionary labeling. Brazil, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Panamá, Paraguay, Peru, Uruguay and MERCOSUR (Common Market of the South, integrated by Argentina, Brazil, Paraguay and Uruguay) have not implemented any legislation about food allergens yet.

CONCLUSIONS

The fact that some Latin American countries have established this kind of regulations, and some have not, and the lack of harmonization among the existing established regulations, especially for the permission for the use of precautionary labeling, is a real topic of concern. Actually it causes negative effects for the food industry and for the commerce within the region. But the main problem of this situation is, no doubt, the different information provided in the labels to the allergic consumers, who are the target population for whom these regulations are made. Unfortunately, this situation is quite similar all over the world.