

Voluntary Report – Voluntary - Public Distribution

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Report Name: Japan publishes guidelines on the use of No Food Additive
Used labeling

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Report Highlights:

On March 30, 2022, Japan’s Consumer Affairs Agency (CAA) released guidelines, which provides examples of an improper use of “No Food Additive Used”. The present report contains a provisional translation of the guidelines.

General Information

In March 2021, Japan's Consumer Affairs Agency's Study Group of the Food Additive Labeling System published a report that called for new guidelines to be established to avoid misleading "No Food Additive" labeling. Over the next year, CAA's investigation committee held 8 meetings to develop the guideline. On March 30, 2022, the CAA released the guideline for the use of "No Additive" labeling on food products. The guideline provides 10 categories of improper food additive labeling or advertisement. Under Japanese regulation, domestic importers, manufactures and/or retailers are primarily responsible for complying with Japan's food labeling regulations.

The original guideline (available only in Japanese) can be found at https://www.caa.go.jp/policies/policy/food_labeling/meeting_materials/review_meeting_006/. A provisional translation of the guideline follows in this report. For general guidance on Japan's food labeling and import requirements, please consult the [2022 Japan FAIRS report](#).

Guidelines for use of “No Food Additive Used” labeling of food additives

1. Background and purposes

(1) Food additives are evaluated for their safety by the Food Safety Commission. After deliberation by the Ministry of Health, Labour and Welfare, ingredient specifications and usage standards are stipulated based on the Food Sanitation Law (Law No. 233 of 1947). The labeling of food additives is stipulated by the Food Labeling Standards (Cabinet Office Ordinance No. 10 of 2015) based on the Food Labeling Law (Law No. 70 of 2013). However, the Food Labeling Standards have no provisions regarding labeling indicating that food additives are not used (“non-use labeling” of food additives). Currently, food-related business operators voluntarily use labeling, such as “no additives” and “non-use,” on containers and packaging.

(2) The “Report of the Guidelines Study Group on Non-use Labeling of Food Additives,” published in March 2020, has pointed out some concerns below:

- Although Article 9 of the Food Labeling Standards prohibits the use of terms that contradict what should be labeled and the use of letters that can mislead consumers about the contents of the product, the Food Labeling Standards Q&A to show the interpretation is not exhaustive.
- Food Labeling Standards Q&A indicating labeling methods, such as “no additives,” is ambiguous.
- There are cases where labels such as “no additives” are printed on the main surface of the product more prominently than the obligatory items, and the list, which should be referred to, is not effectively used.

Based on the above, the report has proposed new guidelines as a merkmal on whether or not a specific item falls under the labeling prohibition stipulated in Article 9 of the Food Labeling Standards.

(3) The consumer intention surveys have revealed that consumers do not fully understand that the safety of food additives is assessed; some consumers choose foods with “non-use” labeling of food additives when selecting products; and some consumers do not check the list of ingredients when purchasing food products with “non-use” labeling of food additives.

(4) For this reason, a new study group on the guidelines of additive labeling for the use of “non-use” was started in March 2021, and interviews were conducted with consumers and business operators to learn the reality surrounding “non-use” labeling and examine the situation based on the actual labels. Among the actual labels, non-use labeling of food additives that require

examination were categorized, and guidelines were compiled for labels in each category that are highly likely to fall under the prohibited items stipulated in Article 9, Paragraph 1, Item 1, 2, and 13 of the Food Labeling Standards at this moment.

- (5) These guidelines summarize specific items concerning non-use labeling of food additives that should be considered so as not to mislead consumers. They do not uniformly prohibit non-use labeling of food additives. These guidelines can be used by food-related business operators to conduct self-inspection to determine whether or not any of their labels fall into prohibited labeling items stipulated in Article 9 of the Food Labeling Standards.

2. Scope

In accordance with the provisions of the Food Labeling Standards, the guidelines shall apply to the non-use labeling of food additives stipulated in Article 4, Paragraph 2 of the Food Sanitation Law on the containers and packaging of processed foods for general use. In addition, even when the provisions of Article 9, Paragraph 1 of the Food Labeling Standards are applied *mutatis mutandis* based on Articles 14 and 17 of the Food Labeling Standards, these guidelines shall apply *mutatis mutandis*.

3. Categories of non-use labeling of food additives and labels that are highly likely to fall under the prohibited items stipulated in Article 9 of the Food Labeling Standards

As long as it is in line with the facts, voluntary labeling of processed foods for general use is left to food-related business operators, etc., concerning whether or not to label the use of additives, as well as how to label it, from the viewpoint of securing opportunities for consumers to select products and from the viewpoint of product appealing by food-related business operators, etc. (excluding items stipulated in Article 7 of the Food Labeling Standards).

On the other hand, Article 9 of the Food Labeling Standards, which stipulates items on prohibited labeling, prohibits, even if it is a voluntary labeling, labeling that misleads consumers into believing that the product is significantly superior or advantageous to actual foods (Item 1 of Paragraph 1 of the same Article), labeling that contradicts the content of obligatory labeling items (Item 2 of the same paragraph), and labeling that misleads the consumer regarding the contents (Item 13 of the same paragraph), for such labeling cannot be considered accurate information at the opportunities of food choice by consumers. However, the article does not provide details, such as what kind of labels provide accurate information to consumers and what kind of labels mislead consumers. Currently, food-related business operators arbitrarily use labels such as “no additives” and “no-use,” and there are various non-use labeling of food additives on actual products. Given the current situation of non-use labeling of food additives and the nature of Article 9 of the Food Labeling Standards, as mentioned above, it is difficult to enumerate whether or not each non-use label falls under the prohibition of labeling stipulated in Article 9 of the same Standards.

- (1) To this end, types of non-use labeling of food additive that requires attention when creating labels on containers and packaging, are divided into 10 categories as follows.*
- Category 1: Mere “not added” labeling
 - Category 2: Labeling using terms not stipulated in the Food Labeling Standards
 - Category 3: Labeling on foods with use of additives not permitted by laws and regulations
 - Category 4: Labeling on foods with food additives having same function / similar function
 - Category 5: Labeling on foods with ingredients having same function / similar function
 - Category 6: Labeling associating with health and safety
 - Category 7: Labeling associating with something other than health and safety
 - Category 8: Labeling on foods with use of additives not expected
 - Category 9: Labeling on foods used as a processing aid or carry-over (or those that cannot be confirmed not to be used)
 - Category 10: Labeling with excessive claims

- (2) In addition, among these categories, labels considered to be highly likely to fall under the prohibition of labeling stipulated in Article 9 of the Food Labeling Standards are summarized below. These are points to note for business operators to provide accurate information to consumers.

Whether or not the actual non-use labeling of food additives falls under the prohibition stipulated in Article 9 of the Food Labeling Standards is judged comprehensively based on the nature of the product, consumers’ knowledge, actual trade conditions, labeling methods, the contents subject to labeling, etc. It is not judged only in the case where the labeling is highly likely to fall under the following items in each category.*

Category 1: Mere “not added” labeling

Labeling in this category says “not added” (no additives) only and what is not added is not clear to consumers.

The following are cases in this category where the labeling is highly likely to fall under the prohibition of labeling.

If a product is labeled as “no additives” without specifying the additive concerned, it is unclear what has not been added. Then consumers have to guess what has not been added. If the additive generally guessed by consumers is different from the intention of the business operator, there is a risk of misleading consumers about the content of the product.

Example: Among the cases where only “not added” (no additives) is shown, cases where what is not added is unclear to consumers.

Category 2: Labeling using terms not stipulated in the Food Labeling Standards

Labeling in this category uses, along with “no additives” or “no-use,” terms not specified in the Food Labeling Standards.

The following are cases in this category where the labeling is highly likely to fall under the

* In formulating these guidelines, the concept of the Codex General Guidelines on Claims (CXG 1-1979) was used as a reference in part.

prohibition of labeling.

Under the Food Sanitation Law, food additives include both chemically synthesized (artificial) products and natural products, and both are approved for use.

In the Food Labeling Standards, the labeling of food additives is in principle applied to all additives without any difference between chemically synthesized products and natural products, and the notification “Concerning Food Labeling Standards” (Notification of the Deputy Director-General of the Consumer Affairs Agency No. 139 of March 30, 2015) does not allow the use of the term “natural” or similar expressions in the labeling of food additives. The terms “artificial” and “synthetic” were deleted from the Food Labeling Standards in July 2020.

The term “chemical seasoning,” which was once used in the JAS standard, was deleted in 1989 and has not been used in the Food Labeling Standards.

Labeling of food additives using the terms “artificial,” “synthetic,” “chemical” and “natural” is not appropriate, and such labeling, if consumers have a negative or positive impression of these terms, may mislead consumers into believing that the products are superior or advantageous to the actual products when used with such terms as “no additives” or “not-used.”

Example: Labels using terms such as “artificial,” “synthetic,” “chemical,” and “natural” along with “no additives” or “not used” (e.g., “No artificial sweetener”).

Category 3: Labeling on foods for which use of additives is not permitted by laws and regulation
Labeling in this category uses terms “not added” or “not used” to foods for which use of the additive concerned is not permitted by laws and regulation.

The following are cases in this category where the labeling is highly likely to fall under the prohibition of labeling.

If consumers who are not aware that the food additive concerned is not used in all products due to laws and regulations concerning food additives desire to avoid products in which the food additive concerned is used, they may think that products with “non-use” labeling is superior to products without “non-use” labeling. This may mislead them into believing that the product is superior or more advantageous than it is (Examples 1 and 2).

Example 1: Soft drinks labeled “No sorbic acid”

(The use of sorbic acid in soft drinks is a violation of the standards of use.)

Example 2: A “not added” or “non-use” label is used for a food additive on a food product whose naming is stipulated in Appended Table 5 of the Food Labeling Standards and the food additive concerned would not meet the definition of Table 3 of the same Standards when the specific food additive is used.

Reference: The Codex General Guidelines on Claims (CXG 1-1979) stipulates that excessive claim cannot be made on labels if the use of the additive to the food concerned is not permitted.

Category 4: Labeling on foods with food additives having same function/similar function

Labeling in this category uses terms “not added” or “non-use” when another food additive with the same function or similar function is used to the product. The following are considered to be cases in this category where the labeling is highly likely to fall under the prohibition of labeling.

When consumers want to avoid food products containing a specific food additive and the difference between the food additive labeled as “non-use” and another food additive with the same function or similar function is not shown on the labeling, consumers may be misled that the product with “non-use” labeling is superior to the product using the food additive labeled as “non-use.” There is a risk of misleading consumers into believing that the product is superior or more advantageous than it is (Examples 1 and 2).

Example 1: A food product containing a food additive other than preservatives for the purpose of improving shelf life is labeled as “No preservative used”

Example 2: Labeling “No xx coloring used” on a food product containing an existing coloring additive (xx coloring is a designated additive coloring).

Reference: The Codex General Guidelines on Claims (CXG 1-1979) stipulates that excessive claims must not be used if an additive has been replaced by another additive that gives the food an equivalent characteristic except for the cases where this fact is stated to the same degree of emphasized expression.

Category 5: Labeling on foods with ingredients having same function/similar function

Labeling in this category uses terms “not added” or “non-use” when another ingredient with the same function or similar function is used to the product.

The following are cases in this category where the labeling is highly likely to fall under the prohibition of labeling.

Substituting with something that is considered to have lost its scientific identity of the original food after extracting a certain component of the food is different from substituting something that is considered to be a food according to conventional wisdom. However, if consumers desire to avoid foods that contain food additives and do not recognize that a certain food product has been substituted with an item that is not considered to be a food according to conventional wisdom, the consumers may be misled into believing that the product is superior or more advantageous over products using food additives (Examples 1 and 2).

If ingredients with the same or similar functions are not specified together with the “non-use” labeling, consumers may not realize that it is a function by the ingredient concerned and believe that it is a function by another ingredient. Therefore, there is a risk of misidentification of the contents

(Examples 1 and 2).

Example 1: Labeling “No seasonings as additives used” on foods with an extract containing amino acids as an (non-additive) ingredient

Example 2: Labeling “No emulsifier used” on foods made from highly processed ingredients with emulsifying properties

Reference: The Codex General Guidelines on Claims (CXG 1-1979) stipulates that excessive claims must not be used if an additive has been replaced by another additive that gives the food an equivalent characteristic except for the cases where this fact is stated to the same degree of emphasized expression.

Category 6: Labeling associating with health and safety

Labels that associates “not added” or “non-use” with terms used for health or safety.

The following are cases in this category where the labeling is highly likely to fall under the prohibition of labeling.

Since food additives are approved for use only in cases where they have been evaluated for safety and are not likely to harm human health, it is difficult for business operators to independently conduct scientific verification on health and safety and associate them with these terms. Therefore, such cases may mislead consumers into believing that the product is superior or more advantageous than it is (Example 1 and 2). In addition, there is a risk that consumers misunderstand the contents (examples 1 and 2).

Example 1: Labeling “not added” or “non-use” as a reason for being good for health.

Example 2: Labeling “not added” or “non-use” as a reason for being safe.

Reference: The Codex General Guidelines on Claims (CXG 1-1979) lists terms “good for health” and “safe” as potentially misleading claims.

Category 7: Labeling associating with something other than health and safety

Labeling in this category associates “no additives” or “non-use” foods with terms other than health and safety (e.g., good taste, the best-before or use-by date, and the use of food additives).

The following are cases in this category where the labeling is highly likely to fall under the prohibition of labeling.

When the non-use of food additives is indicated as the reason for the good taste, if the causal relationship cannot be explained, it may mislead consumers into believing that the product is superior or more advantageous to the actual products (Example 1).

If the labeling states, “Please consume the product as soon as possible as it is no-preservatives” without saying “after opening” and gives consumers an impression that they have to consume it earlier than the indicated expiration date, it may contradict the labeling regulation stipulated by the provisions of Article 3 of the Food Labeling Standards (Example 2).

If the relationship between discoloration of the product and the food coloring cannot be explained when displaying “no food coloring” as the reason for the possible discoloration of the product, the contents may be misidentified (Example 3).

Example 1: Labeling “no additives” or “non-use” as a reason for having good taste.

Example 2: Labeling “Please consume the product as soon as possible as it is no-preservatives” without saying “after opening.”

Example 3: Labeling “no food coloring” as the reason for discoloring of the product.

Category 8: Labeling on foods with use of additives not expected

Labeling in this category uses terms “no additives” or “non-use” to foods for which use of the additive concerned is not generally expected by consumers.

The following are cases in this category where the labeling is highly likely to fall under the prohibition of labeling.

Consumers who desire to avoid products in which the food additive concerned is used may read the label and think that the product is superior to products without a “non-use” labeling and may be misled into believing that it is superior or more advantageous than the actual products, especially when the use of food additives is not expected because food additives are not generally used in similar products (Examples 1 and 2).

Example 1: Labeling “no food coloring” to a product that exhibits the original color of the food and food coloring are not generally used to the same type of products.

Example 2: Labeling “non-use of the food additive” even though consumers do not expect the use of the food additive because it is not generally used in similar products (for example, the use of preservatives or food coloring in mineral water).

Reference: The Codex General Guidelines on Claims (CXG 1-1979) stipulates that claim cannot be made on labels if the use of the additive to the food concerned is not generally expected by consumers.

Category 9: Labeling on foods used as a processing aid or carry-over (or those that cannot be confirmed not to be used)

Labeling in this category uses terms “no additives” or “non-use” to foods for which food additives are used as a processing aid or carry-over (or to foods when it cannot be confirmed that the food additive is not used).

The following are cases in this category where the labeling is highly likely to fall under the prohibition of labeling.

Labeling of food additives requires verification in every process including the manufacturing or processing of the raw materials of the food concerned. If the labeling is not based on the results of verification, even if it is displayed outside the list, there is a risk that the contents may be misidentified (Examples 1 and 2).

Example 1: “No preservatives” labeling is used to the final products when a preservative is used in part of the raw materials.

Example 2: When non-use of food additives in the manufacturing process of raw materials cannot be confirmed, “no additives” or “non-use” labeling is used with a statement limiting the scope to the manufacturing process at the own company.

Category 10: Labeling with excessive claims

Labeling in this category overemphasizes terms “no additives” or “non-use.”

The following are cases in this category where the labeling is highly likely to fall under the prohibition of labeling.

Although it cannot be said that there is a risk that the labeling may immediately fall under the prohibition of labeling even if the labeling is true, excessively emphasized “non-use” labeling in any places on the container and packaging, or use of fonts, sizes, colors, terms, etc. that are excessively emphasized compared to the prints in the list may prevent consumers from reading the list and give an impression that all other food additives, in addition to the specific food additive on the labeling, are not used at all. In such cases, there is a risk of misidentifying the contents (Examples 1 and 2).

When combined with an item in another category, it may increase the risk of misidentification by the item in the other category.

Example 1: Labeling “xxx is not used” in an excessively showy color in many places on the product.

Example 2: Labeling “no additives” in large letters with “preservatives, food coloring” in small letters to food products that use food additives other than preservatives and food coloring.

4. Raising awareness on issues regarding food additives including these guidelines

(1) These guidelines can be used by food-related business operators, etc. to conduct self-inspections to see if their labeling methods fall under the labeling prohibitions stipulated in Article 9 of the Food Labeling Standards. Thus, the guidelines are expected to prevent the “non-use” labeling of food additives that are likely to fall under the labeling prohibitions. Therefore, it is important that the government and trade associations disseminate the information and encourage food-related business operators, etc. on how to use the guidelines. At the same time, it is important that food-related business operators, etc. further their knowledge about systems concerning food additives, including labeling systems, so that they can prevent unintentional use of labels that are highly likely to fall under the labeling prohibitions stipulated in Article 9 of the Food Labeling Standards. It is also important to examine the contents of labeling, with due consideration of how consumers will take the information on the labels, so that accurate information can be conveyed.

(2) For the government, it is important to disseminate the information to consumers and raise their awareness about these guidelines so that they can make wright choice of food products with “non-use” labeling of food additives.

The Consumer Affairs Agency is currently conducting a continuous survey on consumers’ understanding of food additives. At the same time, governments, consumer groups, trade associations, and other groups are working on information dissemination and awareness raising of food additives, including about the labeling systems, in collaboration but using the

advantages and strengths of each organization to effectively approach different generations of consumers. Continuation of these efforts are also important to further consumers' understanding of food additives.

5. Review of labeling based on the guidelines

These guidelines serve as a merkmal as to whether or not a specific item falls under the labeling prohibition stipulated in Article 9 of the Food Labeling Standards, and therefore no new provision is established in Article 9 of the Standards. Thus, in ordinary circumstances, there is no need to set a special transitional measure period.

However, due to reasons such as ambiguity in the Food Labeling Standards Q&A, which should show the interpretation of Article 9 of the Food Labeling Standards, it may be possible that labeling considered to be highly likely to fall under the labeling prohibition is currently used.

Now that a merkmal as to whether or not a specific item falls under the labeling prohibition has become clear, food-related business operators, etc. need to promptly inspect their labeling using these guidelines. In addition, considering that switching packaging materials requires a certain period of time, business operators are requested to properly review their labeling in about two years (until end of March 2024).

Although it is considered unavoidable that processed foods that are manufactured or sold during this period will be distributed with labeling made before the review, labeling should be reviewed as soon as possible even within the two years.

Attachments:

No Attachments.