

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 5f

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

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PROPOSED DRAFT REVISION OF FOOD CATEGORY 01.1 "MILK AND DAIRY-BASED DRINKS" AND ITS SUB-CATEGORIES

Comments at Step 3 of Argentina, Brazil, Ecuador, European Union, Ghana, Japan, Malaysia, Mexico, Nicaragua, Thailand, United States of America and IDF

ARGENTINA

PART I: FOOD CATEGORY SYSTEM

In point 01.0 it is suggested to translate the term "*plain*" as "*simple*" instead of "*natural*" as in CODEX STAN 243-2003 for fermented milks. It is noted that the term "*natural*" has in Spanish different connotations and that is the reason why it is not currently used in a food legislative field.

PART II: Food Category Descriptors

Again it is proposed to replace the word "*natural*" by "*simple*" in the translation in Spanish in all cases in which it appears.

In the new category (01.1.2 Other fluid milk (plain)) it is proposed to replace "*lactose reduced milk products*" by "*lactose reduced milks*" as contained in paragraph 25, page 6 of the document.

In the descriptor of point 01.1.4 it is proposed to redraft the paragraph as detailed: "*Includes all **fluid milk and all ... milk-based fluid beverages...***" since, as it is drafted, it could be interpreted that milk as such is not included in this category.

BRAZIL

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RECOMMENDATIONS

37. That the Committee considers the proposed food category 01.1 (Milk and dairy-based drinks) and its subcategories, and consequential changes, as presented in Annex 1.

Brazil supports the proposed food category 01.1 (Milk and dairy-based drinks) and its subcategories, and consequential changes, as presented in Annex 1 of CX/FA 16/48/12. Our suggestions and specific comments are described below.

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PART II: Food Category Descriptors

01.0 Dairy products and analogues, excluding products of food category 02.0

Includes all types of dairy products that are derived from the milk of any milking animal (e.g. cow, sheep, goat, buffalo). In this category, a "plain" product is one that is not flavoured **meaning that it has no added flavouring**, or other non-dairy ingredients **that impart flavour, but may include other food additives** ~~or is mixed with other non-dairy ingredients, unless permitted by relevant standards~~. Analogues are products in which milk fat has been partially or wholly replaced by vegetable fats or oils.

Brazil suggests that the proposed food descriptor 01.0 be amended in order to clarify the meaning of the expression "impart flavour". In this regard, it is important to consider that there are many non-dairy ingredients added to "plain" milk products that impart flavour not intentionally, such as omega 3, vitamins

and minerals.

Brazil proposal:

Includes all types of dairy products that are derived from the milk of any milking animal (e.g. cow, sheep, goat, buffalo). In this category, a “plain” product is one that is not flavoured **meaning that it has no added flavouring**, or other non-dairy ingredients **that intentionally impart flavour, but may include other food additives** ~~nor is mixed with other non-dairy ingredients, unless permitted by relevant standards~~. Analogues are products in which milk fat has been partially or wholly replaced by vegetable fats or oils.

01.1 Fluid milk (plain), excluding products of food category 01.2; and ~~dairy-based drinks~~ flavoured fluid milk

Includes all plain and flavoured fluid milks **that are** based on skim, part-skim, low-fat and whole milk, **excluding plain fermented products and plain renneted milk products of food category 01.2**. **Plain fluid milks are “milk products” as defined in CODEX STAN 206-1999, are obtained by the processing of milk, and may contain food additives and other ingredients functionally necessary for processing. Raw milk (“milk” as defined in CODEX STAN 206-1999) shall not contain any food additives.**

In order to clarify the proposed text and include clearly all products under its subcategory, Brazil suggests reviewing the name and the descriptor of the category 01.1 in order to include all products under its subcategories.

We consider that it might not be appropriated to include “buttermilk” (FC 1.1.3) and “flavoured fermented milk” (FC 1.1.4) under a FC named only “Fluid milk (plain) and flavoured fluid milk”. In this regard, “buttermilk” and “flavoured fermented milk” are not considered a type of “fluid milk”.

Brazil proposal:

01.1 Fluid milk (plain), flavoured fluid milk, buttermilk and other milk-based fluid beverages, excluding products of food category 01.2

Includes all plain and flavoured fluid milks, **buttermilk and other milk-based fluid beverages that are based on skim, part-skim, low-fat and whole milk, excluding plain fermented products and plain renneted milk products of food category 01.2**. **Plain fluid milks are “milk products” as defined in CODEX STAN 206-1999, are obtained by the processing of milk, and may contain food additives and other ingredients functionally necessary for processing. Raw milk (“milk” as defined in CODEX STAN 206-1999) shall not contain any food additives.**

01.1.1 Fluid milk (plain) [currently 01.1.1.1]

Plain fluid milk obtained from milking animals (e.g., cows, sheep, goats, buffalo). Milk is usually heat-treated by that has been processed. Includes pasteurized, ultra-high temperature (UHT) treated, or sterilized and homogenized, fat and /or protein adjusted milk. [Includes skim, part-skim, low-fat and whole milk].

Brazil supports keeping the wording “includes skim, part-skim, low-fat and whole milk” since the “adjust fat and /or protein” could be interpreted only as an adjustment to fulfil the level of protein and fat established in the standards.

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01.1.2 Other fluid milks (plain) [proposed as new subcategory]

Includes all plain fluid milk, excluding products of food categories 01.1.1 (Fluid milk (plain)), 01.1.3 (Buttermilk (plain)), and 01.2 (Fermented and renneted milk products (plain)). Includes plain recombined fluid milks, plain reconstituted fluid milks, non-flavoured vitamin and mineral fortified fluid milks, lactose reduced milk products plain milk product with modified organoleptic properties and plain milk-based beverages.

Brazil supports the proposed food descriptor.

01.1.3 Buttermilk (plain) [renumbered - currently 01.1.1.2]

Buttermilk is the nearly milkfat-free fluid remaining from the butter-making process (i.e., the churning fermented or non-fermented milk and cream). Buttermilk is also produced by fermentation of fluid skim milk, either by spontaneous souring by the action of lactic acid-forming or aroma-forming bacteria, or by inoculation of heated milk with pure bacterial cultures (cultured buttermilk). Buttermilk may be pasteurized or sterilized.

Brazil has no comments.

01.1.4 Flavoured fluid milk, Dairy-based drinks, flavoured and/or fermented (e.g. chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks) [renumbered -currently 01.1.2]:

Includes all ready-to-drink fermented or not fermented ~~flavoured and aromatized~~ milk-based fluid beverages **with flavourings and food ingredients that impart flavour**, excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and *lassi* (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener).

Brazil considers that it might not be appropriated to include “flavoured fermented milk” and other products as “hot chocolate”, “chocolate malt drinks”, “strawberry-flavoured yoghurt drink” etc. (FC 1.1.4) under a FC named only “Flavoured fluid milk”. In this regard, these products are not considered a type of “fluid flavoured milk”.

Brazil also suggests that the proposed food descriptor be amended in order to clarify the meaning of the expression “impart flavour”. In this regard, it is important to consider that there are many non-dairy ingredients added to “plain” milk products that impart flavour not intentionally, such as omega 3, vitamins and minerals.

So, we suggest reviewing the name and the descriptor of the category.

Brazil proposal:

01.1.4 Flavoured fluid milk and other milk-based fluid beverages

Includes all ready-to-drink fermented or not fermented flavoured and aromatized milk-based fluid beverages with flavourings and food ingredients that intentionally impart flavour, excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and lassi (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener).

ECUADOR

Ecuador does not agree with the change of dairy based beverages to flavoured milk, since the current national regulations handles it as dairy based beverages. We propose the following text:

01.1.4 Flavoured liquid milk and/or dairy based drink

Includes all ready-to-drink fermented or not fermented milk-based fluid beverages with flavourings and food ingredients that impart flavour and/or texture, excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1), examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drinks, lactic acid bacteria drinks, and *lassi* (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener), multigrain milk drink (combination of rice, quinoa, oats, barley and other grains).

NOTE: In Ecuador there are products that do not fall within the current categories of Codex, for instance the dairy-based multigrain drinks (combination of cereals like rice, quinoa, oats, barley and others), that we suggest to include in this category. For this reason, we would like to know the criteria to classify this type of product.

EUROPEAN UNION

General comments

The EU appreciates the work of the eWG on the revision of the structure of food category 01.1 and its sub-categories. The EU would like to highlight that according to the project document the purpose and the scope of the new work is to revise the food categories and descriptors of food category 01.1 (Milk and dairy-based drinks) and its subcategories of the General Standard for Food Additives (GSFA) **to resolve the issue regarding the correct placement of certain dairy products.**

Therefore, the EU supports the proposed establishment of a new subcategory which would address the issue of correct placement of certain dairy products (e.g. reconstituted and recombined milk) taking into account a specific need for food additives as advocated by some Codex Members. However, in the EU's view some of the proposed revisions go further to what it is necessary in order to fulfil the purpose and scope of the approved new work. Furthermore, the EU considers that they do not improve clarity of the GSFA (see specific comments below). In those cases the EU recommends to stick to the previously agreed and adopted text.

Comments on Annex 1 to CX/FA 16/48/12

Note: The text below already includes the revisions suggested in Annex 1 to CX/FA 16/48/12. New text proposed by the EU is presented in **bold and underlined font**; deletion in ~~strikethrough~~ font.

PART I Food Category System

Revised system as proposed in Annex 1 to CX/FA 16/48/12

The EU takes note that the word “**fluid**” is proposed for inclusion in the title of category 01.1 and subcategories 01.1.1, 01.1.2 and 01.1.4. The EU wonders whether it is necessary taking into account that such word is already included in the descriptors. If the Committee considers that the word “**fluid**” should be indicated in the titles then the EU would like to request clarification on why the same term was not proposed for subcategory 01.1.3 Buttermilk.

The EU **does not support** the proposed revision of the title of category 01.1.2 to **01.1.4 Flavoured fluid milk**. The EU considers that it does not improve clarity of what is covered by that category. Especially, it could have consequences for the categorization of Drinks Based on Fermented Milks (i.e. products in the international trade) which are currently unambiguously reflected in the title of category 01.1.2. Therefore, the EU suggests keeping the current title “Dairy-based drinks, flavoured and/or fermented”.

Revised System which includes the EU's comments

~~01.1 Milk and dairy-based drinks~~

~~01.1.1 Milk and buttermilk (plain)~~

~~01.1.1.1 Milk (plain)~~

~~01.1.1.2 Buttermilk (plain)~~

~~01.1.2 Dairy-based drinks, flavoured and/or fermented (e.g. chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)~~

01.1 Milk **and buttermilk (plain)**; and dairy-based drinks

01.1.1 Milk (plain) [currently 01.1.1.1]

01.1.2 **Other milk (plain)** [new subcategory]

01.1.3 Buttermilk (plain) [renumbered - currently 01.1.1.2]

01.1.4 Dairy-based drinks, flavoured and/or fermented (e.g. chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks) [currently 01.1.2]

Rationale: The proposed revision addresses the correct placement of certain dairy products by establishing the new subcategory 01.1.2 and keeps the titles of other categories unchanged. In addition, the EU proposes to include “buttermilk” in the title of parental category 01.1 to properly reflect its subcategories.

PART II Food Category Descriptors

01.0 Dairy products and analogues, excluding products of food category 02.0

The EU does not agree with the proposed revision of category 01.0. The EU would like to stress that the revision of category 01.0 is clearly out of the scope of the new work as endorsed by the Codex Alimentarius Commission.

In addition, the EU considers that the proposed revisions are not necessary. The current text is satisfactory and permits the use of non-dairy ingredients including food additives in plain products if allowed according to the GSFA and other standards.

01.1.1 Milk (plain)

The EU proposes the following wording of the descriptor for category 01.1.1:

Plain fluid milk obtained from milking animals (e.g. cows, sheep, goats, buffalo). ~~Milk is usually heat-treated by~~ **that has been processed. Includes** pasteurized, ultra-high temperature (UHT) treated, or sterilized **and homogenised** skim, part-skim, low-fat and whole milk.

Rationale: The EU is of the view that skim, part-skim, low-fat and whole milk should be listed as examples.

GHANA

Specific Comments

Ghana supports the proposal for the revision of food category 01.1: Dairy products and analogues, excluding products of food category 02.0.

Rationale: The proposed category 01.1: Fluid milk (plain), excluding products of food category 01.2 and flavoured fluid milk makes provision for proper placement of certain milk products such as reconstituted plain milk, recombined plain milk and other plain (non-flavoured) milk products. Moreover, renumbering and introducing a new food category “01.1.2” will help improve clarity with respect to the milk products covered by the parent sub group 01.1

JAPAN

Amendment to the proposed changes to the cross-reference of Codex standard foods with the food category system used for elaboration of the GSFA

As clearly explained in paragraph 31 of the document (CX/FA 16/48/12), “plain” fermented products are included under food category 01.2, not food category 01.1.4, as a result of the eWG discussion. Therefore, Japan would like to propose that “plain” fermented milks should be excluded from the corresponding Codex Standard Title in the *cross-reference of Codex standard foods with the food category system used for elaboration of the GSFA* as follows (Proposed deletion is shown in ~~strike through~~ font):

Standard No	Codex Standard Title	Food Cat. No.
243-2003	Fermented milks (drinks based on fermented milk, plain or flavoured, heat treated or not heat treated)	01.1.4

MALAYSIA

Malaysia supports the recommendations on the proposed draft revisions of food category 01.1 “Milk and Dairy –Based Drink” and Its Sub-Categories in Annex 1.

Malaysia would like to propose additional wording in relation to food descriptor subcategory **01.1.4** to provide further clarity for the product category of drinks based on fermented milk of the Codex Standard for Fermented Milks (CODEX STAN 243-2003) as follows (see underline text):

01.1.4 Flavoured fluid milk, Dairy-based drinks, flavoured and/or fermented (e.g. chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks) [renumbered -currently 01.1.2]:

Includes all ready-to-drink fermented or not fermented ~~flavoured and aromatized~~ milk-based fluid beverages **with flavourings and food ingredients that impart flavour, including flavoured drinks based on fermented milk (CODEX STAN 243-2003), and** excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and lassi (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener).

The reasons for this proposal:

- 1) Drinks based on fermented milk is a category defined in the Codex standard for fermented milks (CODEX STAN 243-2003) which is now unambiguously included in the current food category 01.1.2 of the GSFA. However the name and the proposed food category descriptor 01.1.4 “Flavoured Fluid Milk” may give room for vary interpretation.
- 2) To provide legal certainty on flavoured drinks based on fermented milks falling under the scope of newly proposed food category descriptor 01.1.4 and regarding the applicable food additives.
- 3) To avoid any barrier to trade resulting from any conflictive interpretations by any country as regards to the applicability of GSFA food category descriptor including which additives that can be used.

MEXICO

Mexico reiterates its commitment with the Codex Alimentarius and appreciates the opportunity to submit comments on the final document CX/FA 16/48/12 in order to advance work on this issue, and supports the following proposals:

- The new category system to include milks internationally traded and that the GSFA and the commodity standard do not include.

- The recommendation, to be presented to the Committee, on the modification of the name of food category 01.0 *Dairy products and analogues, excluding products of food category 02.0*
- Including reconstituted milk, recombined milk and milk with vitamins and minerals in the descriptor of the new category 01.1.2 *Other fluid milk*.
- Including the note stating that raw milk should not have addition of additives.
- Placing lactose reduced milk into food category 01.1.2 rather than in food category 13.3 Dietetic foods intended for special medical purposes (excluding products of food category 13.1).
- Including milk powder and flavoured milk powder in the category 1.5 mentioned in the document, given that they are not listed in other categories.

In paragraph 30 of the same document, we wish to propose, and thus obtain the support of the Committee to adopt, the explicit inclusion of flavoured drinks based on fermented milk in the descriptor of food category 01.1.4 as follows:

01.1.4 Flavoured fluid milk [renumbered -currently 01.1.2]

Includes all ready-to-drink fermented or not fermented ~~flavoured and aromatized~~ milk-based fluid beverages **with flavourings and food ingredients that impart flavour, including flavoured drinks based on fermented milk (CODEX STAN 243-2003)**, excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and lassi (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener).

This, in order to clarify that it includes all ready-to-drink fermented or not fermented flavoured and aromatized milk-based fluid beverages and at the same time to avoid confusion in future.

The GSFA is recognized by Codex member countries as the main reference for food additives, substances listed in it are accepted as suitable for use in food and their uses are technologically justified. Therefore, the NGAA or its provisions are adopted in national and regional regulations around the world.

In this sense, to avoid any obstacles to trade resulting from the different interpretation between countries regarding the food category of the GSFA applicable to drinks based on fermented milk and consequently on which additives are permitted for use in drinks based on fermented milk, it is essential that this category is explicitly included in the descriptor of food category 01.1.4.

NICARAGUA

(i) General comments

In the English document the term **flavouring** includes properties of taste and smell, however in the Spanish translation the term “aromatizante” is understood as a property which relates only to smell (See: **CAC/GL 66-2008**), therefore it is proposed to use the terms “aromatizante y saborizante” explicitly in the Spanish texts or make a clarification of the meaning of the term.

(ii) Specific comments

PART II:

Food Category Descriptors

01.0:

Proposed wording:

01.0 Dairy products (**plain-aromatized and/or flavoured**) and analogues, excluding products of food category 02.0

Rationale:

- It is considered appropriate to add the terms “plain and flavoured” to the name of the category since the subcategories include both terms and omission of these terms could lead to inconsistencies or confusion.
- The term analogues is not consistent with the definition proposed in this case, because it only limits the product to the replacement of fats. There are specific rules in the CODEX that already define this type of products (e.g. CODEX STAN 252-2006).

01.1: We agree with the proposed amendments, however the term “flavoured” should be included in the title of this category because it is included in the descriptors of the subcategories. The exclusion of the term raw milk within the classification is supported, since it is not subject to international trade.

01.1.1

Proposed wording:

Plain fluid milk obtained from milking animals (e.g., cows, sheep, goats, buffalo). ~~Milk is usually heat-treated by~~ **that has been processed, without altering its condition of plain fluid milk. Includes** pasteurized, ultra-high temperature (UHT) treated, **or sterilized and homogenized, fat and /or protein adjusted milk.**

Rationale:

Nicaragua supports the position of deleting the sentence in square brackets and proposes to include the following statement **“without altering its condition of plain fluid milk”**, after the word processed, since it is a very broad term.

01.1.2:

Proposed wording:

Includes all plain fluid milk, excluding products of food categories 01.1.1 (Fluid milk (plain)), 01.1.3 (Buttermilk (plain)), and 01.2 (Fermented and renneted milk products (plain)). Includes plain recombined fluid milks, plain reconstituted fluid milks, non-flavoured vitamin and mineral fortified fluid milks **and lactose reduced milk products** **lactose reduced fluid milk** ~~and plain milk-based beverages.~~

Rationale:

- Agree to not transfer lactose-free milk to category 13.3
- It is proposed to delete the term milk-based beverages from the descriptor because this has already been removed from the category to which it belongs.
- It is proposed to replace the term “lactose reduced milk products” by lactose reduced fluid milks, since the term milk products not only refers to fluid milk as indicated by the name of the subcategory.

01.1.4

Proposed wording:

01.1.4 Leche líquida aromatizada y **saborizada** [Flavoured fluid milk]

Includes all ~~ready-to-drink fermented or not fermented flavoured and aromatized milk-based~~ **flavoured and aromatized** fluid beverages **milks, excluding categories 01.2.1 and 05.1.1, with flavourings and food ingredients that impart flavour**, ~~excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1).~~ Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and lassi (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener)

Rationale:

- It is proposed to include the term “saborizada” in the title to make it consistent with the descriptor of the subcategory.
- It is proposed to replace the term “fluid beverages” by “fluid milk” to make it consistent with the changes made in category **01.1**
- It is proposed that fermented flavoured milks be part of 01.2, creating a new subcategory 01.2.2 “Fermented milks (flavoured)”.

THAILAND

General comments

Thailand agrees with the proposal for revising structure of food categories 01.1 “Milk and dairy-based drinks” and its sub-categories and also its descriptors. The revised food categories and descriptors are clearer and consistent with *General Standard for the Use of Dairy Terms* (CODEX STAN 206-1999). Moreover, it can resolve the issue regarding the exclusion of reconstituted plain milk and recombined plain milk in current food category system.

Specific comments- 01.1 Fluid milk (plain), excluding products of food category 01.2; and flavoured fluid milk

We support the inclusion of raw milk in this category with an explanation that it is not allowed to contain any food additives in order to cover the term “milk” as defined in CODEX STAN 206-1999.

- 01.1.1 Fluid milk (plain)

Thailand is of the view that fluid milk can be undergo non-heat-treated, so we agree to replace the term “heat-treated” with “processed”. Regarding examples listed in square brackets, we agree to retain them in the descriptor as example in order to avoid misinterpretation of fat and protein adjusted milk.

- 01.1.2 Other fluid milks (plain)

Lactose-reduced milk is milk product that is treated to decrease lactose content by enzymatic lactose hydrolysis process, falls under the definition of “milk product” as addressed in CODEX STAN 206-1999 section 2.2. Its main ingredient and characterizing is milk, so that it should be included in food category 01.1.2 rather than in food category 13.3 (Dietetic foods intended for special medical purposes (excluding products of food category 13.1)). Moreover, food additives which might be used in lactose-reduced milk would be similar to those that might be used in the other milk products.

UNITED STATES OF AMERICA**FOOD CATEGORY (FC) SYSTEM**FC 01.0

The United States agrees with the proposed revised descriptor.

FC 01.1

The United States agrees with the proposed revised descriptor. However, The United States recommends an additional edit (strikethrough text) to the descriptor as follows:

Includes all plain and flavoured fluid milks that are based on skim, part-skim, low-fat and whole milk, excluding plain fermented products and plain renneted milk products of food category 01.2. ~~Plain Fluid milks~~ are “milk products” as defined in CODEX STAN 206-1999, are obtained by the processing of milk, and may contain food additives and other ingredients functionally necessary for processing. Raw milk (“milk” as defined in CODEX STAN 206-1999) shall not contain any food additives.

- The reasoning for this edit is that the subcategories of FC 01.1 include both plain and flavored fluid milks. Furthermore, the Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999) includes discusses both plain and flavoured products as milk products (see Section 4.5)).

FC 01.1.1

The United States supports maintaining the phrase “*includes skim, part-skim, low-fat and whole milk.*” in the descriptor for FC 01.1.1 The United States notes that skim, part-skim, low-fat, and whole milk are commonly used internationally and are recognized by consumers; thus, they should be included in the descriptor.

FC 01.1.2

The United States agrees with the proposed revised descriptor. However, the United States recommends an additional edit (underlined text) to the descriptor for FC 01.1.2 as follows:

Includes all plain fluid milk, excluding products of food categories 01.1.1 (Fluid milk (plain)), 01.1.3 (Buttermilk (plain)), and 01.2 (Fermented and renneted milk products (plain)). Includes plain recombined fluid milks, plain reconstituted fluid milks, plain composite fluid milks, non-flavoured vitamin and mineral fortified fluid milks, lactose reduced milk products ~~plain milk product with modified organoleptic properties~~ and plain milk-based beverages.

- It is the understanding of the United States that this FC is intended to include all plain fluid milks that are not included in FCs 01.1.1, 01.1.3, and 01.2. However, we note that the descriptor for this FC only includes two of the three milk product terms defined in the Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999). It is the opinion of the United States that the examples in the descriptor should include not only “*plain reconstituted fluid milks*” and “*plain recombined fluid milks,*” but also include “*plain composite fluid milk*” so as to include all of the milk product terms from CODEX STAN 206-1999.

FC 01.1.3

The United States supports the title and descriptors for FC 01.1.3 (*Buttermilk (plain)*) proposed in CX/FA 16/48/12.

FC 01.1.4

The United States agrees with the majority of the proposed revised descriptor. However, we note that the proposed descriptor removes mixes from the scope of this FC. It is the opinion of the United States that the FC 01.1.4 should include both mixes and ready-to-drink products for the following reasons:

- FC 01.1.4 is intended to replace the current FC 01.1.2 in the Food Category System (FCS). The descriptor for the current FC 01.1.2 includes both mixes and ready-to-drink products. If mixes are removed from the scope of FC 01.1.4, these mixes will not be included within the FCS. The proposal in para. 33 of CX/FA 16/48/12 to amend FC 1.5 (*Milk powder and cream powder and powder analogues (plain)*) to include these mixes is not appropriate because FC 1.5 and its subcategories are plain categories; it is not appropriate to list mixes for flavored products in a FC for plain products.
- The United States does not agree with the reasoning given in para. 33 of CX/FA 16/48/12 for the removal of mixes from FC 01.1.4: that powders do not fit in a FC for “fluid” milks. The United States reminds the Committee that the use of the term “fluid milks” in the proposed titles and descriptors of FC 01.1 and its subcategories is to address the fact that consumers consider these products to be “milk” whereas CODEX STAN 206-1999 considers them to be milk products (see para. 10 of CX/FA 16/48/12). It was not intended to define these products as “fluid” or to exclude mixes. Furthermore, it is common practice within the FCS to include both ready-to-eat products and mixes within the same FC (see FCs 01.7, 01.6.5, 02.4, 04.1.2.9, 04.1.2.11, 05.4, 14.1.5, 14.2.7). FC 01.7 (*Dairy-based desserts (e.g. pudding, fruit or flavoured yoghurt)*) is an especially relevant example, as this FC includes dairy-based desserts, which are very similar to the products covered under FC 01.1.4.
- The United States recognizes that there may be a concern within the Committee that certain food additives may be justified in mixes for fluid milks that are not needed in ready-to-drink fluid milks, and that this may be problematic in a FC that includes both mixes and ready-to-drink products. However, the United States proposes that if there is any technological need to limit the use of a food additive to mixes only this can be done by attaching the Note “for use in mixes only” to the provision for that additive.

For the reasons given above, the United States recommends that mixes be added back to the descriptor for FC 01.1.4. The edit is presented below as underlined text:

*Includes all mixes and ready-to-drink fermented or not fermented ~~flavoured and aromatized~~ milk-based fluid beverages **with flavourings and food ingredients that impart flavour**, excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and lassi (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener).t.*

- Alternatively, the Committee could consider dividing FC 01.1.4 into two subcategories; one for ready-to-drink flavored fluid milks and another for mixes for flavored fluid milks. However, it is the opinion of the United States that the formation of additional subcategories unnecessarily complicates the FCS.

If CCFA does decide to exclude mixes from FC 01.1.4 the United States recommend that the phrase “*excludes mixes for cocoa (cocoa-sugar mixtures, category 05.1.1)*” be removed from the descriptor for FC 01.1.4. The reason for this recommendation is that if all mixes are excluded from FC 01.1.4 there would be no need to retain text in the descriptor that notes a special exclusion for cocoa mixes; they would be automatically excluded by the more general exclusion for all mixes from FC 01.1.4.

CONSEQUENTIAL CHANGES TO THE TITLES AND/OR DESCRIPTORS OF CERTAIN FOOD CATEGORIES BASED ON THE ABOVE REVISED PROPOSAL

It is the concern of the United States that the revisions proposed in CX/FA 16/48/12 do not account for plain drinks based on fermented milk.¹ To address this issue the United States is proposing that text for plain drinks based on fermented milk be included in the subcategories of FC 01.2. This is explained further below:

- Drinks based on fermented milk are a type of composite milk product defined in the Standard for Fermented Milks (CODEX STAN 243-2003). From an examination of the current FCS, there is confusion as to whether plain drinks based on fermented milks are included in the existing FCs 01.1.2 (*dairy-based drinks, flavoured and/or fermented*) or 01.2 (*fermented and renneted milk products (plain), excluding food category 01.1.2 (dairy-based drinks)*). The reasons for this confusion are as follows:

¹ Flavoured drinks based on fermented milk are included in the new FC 01.1.4.

- The listing for CODEX STAN 243-2003 in Annex C of the GSFA states that “drinks based on fermented milk, plain or flavoured, heat treated or not heat treated” correspond to the current FC 01.1.2
- The title of the current FC 01.1.2 “*Dairy-based drinks, flavoured **and/or** fermented*” implies that this FC includes both flavoured and plain drinks based on fermented milks
- The text of the current title for FC 01.2 “...*excluding food category 01.1.2 (dairy based drinks)*” implies that this FC does not include drinks based on fermented milk.
- In addition it is the opinion of the United States that the new FC 01.1.2 as proposed in CX/FA 16/48/12 does not include any products based on fermented milk. However, without specifically listing plain drinks based on fermented milk in the descriptor for FC 01.2 and its subcategories, the descriptor for FC 01.1.2 could be mis-interpreted as including plain drinks based on fermented milk.

To address this issue the United States is proposing that text for plain drinks based on fermented milk be included in the descriptors for subcategories of FC 01.2. The proposed edits to the descriptors of these subcategories is presented below as underlined text:

FC 01.2.1 (*Fermented milks (plain)*)

Includes all plain products, including fluid fermented milk, acidified milk and cultured milk. Plain yoghurt and plain drinks based on fermented milk, which does not contain flavours or colours, may be found in one of the sub-categories of 01.2.1 depending on whether it is heat-treated after fermentation or not.

FC 01.2.1.1 (*Fermented milks (plain), not heat treated after fermentation*)

Includes fluid and non-fluid plain products, such as yoghurt and plain drinks based on fermented milk.

- The above recommendations would be in agreement with Section 4 of CODEX STAN 243-2003, which specifies that “plain drinks based on fermented milk” and “plain fermented milks” share the same set of food additives while “plain drinks based on fermented milk (heat treated) and “plain fermented milks (heat treated)” also share the same set of additives. As such, plain drinks based on fermented milks can be included in the subcategories of FC 01.2 without any change to the existing food additive provisions in those food categories.
- The above recommendations would result in revisions to Annex C of the GSFA. These revisions are presented in the section below on “Consequential Changes to the GSFA Annex C”.

CONSEQUENTIAL REVISIONS TO THE ANNEX TO TABLE THREE of the GSFA

The United States agrees with the consequential changes to the Annex to Table Three of the GSFA as a result of the proposed revisions to FC 01.0.

CONSEQUENTIAL CHANGES TO THE GSFA ANNEX C

The United States does not agree with the revision to Annex C of the GSFA as proposed in CX/FA 16/48/2. The proposed revision would imply that plain drinks based on fermented milk are included in FC 01.1.4. It is not appropriate to include plain products in a FC intended to include flavoured products. The United States recommends further revision to Annex C of the GSFA with proposed edits in underlined text:

Standard No	Codex Standard Title	Food Cat. No
243-2003	Fermented milks (drinks based on fermented milk, <u>plain or flavoured</u> , heat treated or not heat treated)	01.1.2 01.1.4

As part of our recommendation that text for plain drinks based on fermented milk be specified in the subcategories of FC 01.2, the United States proposes that the following revision be made to existing entries in Annex C of the GSFA:

Standard No	Codex Standard Title	Food Cat. No
243-2003	Fermented milks <u>and drinks based on fermented milk (plain)</u>	01.2.1
243-2003	Fermented milks <u>and drinks based on fermented milk (plain, non-heat treated)</u>	01.2.1.1
243-2003	Fermented milks <u>and drinks based on fermented milk (plain, heat-treated)</u>	01.2.1.2

The International Dairy Federation wishes to thank the delegation of New Zealand for chairing the electronic Working Group. While we acknowledge that a lot of progress has been accomplished in this complex discussion, IDF wishes to provide additional comments to ensure the best understanding of the Codex GSFA Food Category System for dairy products.

IDF is recommending changes to the proposed text using strike-out and bold text.

Food Category Titles and Descriptors

Proposed changes:

01.0 Dairy products and analogues, excluding products of food category 02.0

Includes all types of dairy products that are derived from the milk of any milking animal (e.g. cow, sheep, goat, buffalo). In this category, a “plain” product is one that is not flavoured meaning that it has no added flavouring, or other non-dairy ingredients that impart flavour, but may include other food additives or **other non dairy ingredients** ~~nor is mixed with other non-dairy ingredients, unless permitted by relevant standards.~~ Analogues are products in which milk fat **and/or milk protein** has been partially or wholly replaced by **non-dairy fats, oils or protein-vegetable fats or oils.**

Rationale

IDF suggests additional wording in the sentence to clarify that plain products may contain other non dairy ingredients (that do not impart flavour). This would ensure that products such as low fat fermented milk products which contain gelatin as non dairy ingredients (but no flavour) be understood as a plain product.

IDF also suggests language to recognize that not only can a milk product become an analogue through the replacement of milkfat but dairy processing technology can also remove and replace the milk protein with a non-dairy source.

Proposed changes:

01.1 Fluid milk **and fluid milk products (plain)**, excluding products of food category 01.2; and ~~dairy-based drinks flavoured fluid milk~~

Includes all plain and flavoured fluid milks that are based on skim, part-skim, low-fat and whole milk, excluding plain fermented products and plain renneted milk products of food category 01.2. Plain fluid milks are “milk products” as defined in CODEX STAN 206-1999, are obtained by the processing of milk, and may contain food additives and other ingredients functionally necessary for processing.² Raw milk (“milk” as defined in CODEX STAN 206-1999) shall not contain any food additives.

Rationale

IDF suggests clarification of the title with removing the references to plain and flavoured, since both are covered, and adding the term products. Since this category (01.1) hierarchically contains the newly proposed food categories 01.1.1, 01.1.2, 01.1.3 and 01.1.4, it is important that the descriptor reflect in general what these four (4) subcategories contain. Therefore, the insertion of “products” in the title of 01.1 will immediately convey to the reader that this category consists of many types of “Fluid milk products” versus just “Fluid milk”, which in some countries would mean liquid milk without any food additives, vitamins, or in some cases, limited processing. Also, having the “and flavoured fluid milk” at the end of the sentence makes it difficult to understand. By removing it, as well as the reference to plain, the entire title is much easier to understand and less likely to be misinterpreted.

Proposed changes:

01.1.1 Fluid milk (plain) **and fluid milk products (plain)** [currently 01.1.1.1]

Plain fluid milk obtained from milking animals (e.g., cows, sheep, goats, buffalo). ~~Milk is usually heat-treated by that has been processed.~~ Includes pasteurized, ultra-high temperature (UHT) treated, or sterilized and homogenized, **fat and /or protein adjusted milk.** ~~[Includes skim, part-skim, low-fat and whole milk].~~

Rationale

IDF recommends the insertion of “fluid milk products (plain)” in the title of 01.1.1 to immediately convey to the reader that this category consists of many types of “Fluid milk products” versus just “Fluid milk”, which in some countries would mean liquid milk without any food additives, vitamins, or in some cases, limited processing.

IDF believes that the terms “skim, part-skim, low-fat and whole” are not universally defined with different milkfat level requirements in different countries. As a result, IDF supports the terms “fat and/or protein adjusted” are

² Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999), Section 2.2.

much more universally understood and will not result in a possible conflict between GSFA food category descriptions and product labelling.

Proposed changes:

01.1.2 Other fluid milks (plain) and other fluid milk products (plain) [proposed as new subcategory]

Includes all plain fluid milk, excluding products of food categories 01.1.1 (Fluid milk (plain)), 01.1.3 (Buttermilk (plain)), and 01.2 (Fermented and renneted milk products (plain)). Includes plain recombined fluid milks, plain reconstituted fluid milks, non-flavoured vitamin and mineral fortified fluid milks, lactose reduced milk products ~~plain milk product with modified organoleptic properties~~ and plain milk-based beverages.

Rationale

IDF supports the removal of the strike-out phase since the descriptor states “Includes all plain fluid milk.

IDF would also support the insertion of “and other fluid milk products (plain)” in the title of 01.1.2 to immediately convey to the reader that this category consists of many types of “Other fluid milk products” versus just “Other fluid milks”, which in some countries would mean liquid milk without any food additives, vitamins, or in some cases, limited processing.

Proposed changes:

01.1.4 Flavoured fluid milk products, Dairy-based drinks, flavoured and/or fermented (e.g. chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks) [renumbered -currently 01.1.2]:

Includes all ready-to-drink fermented or not fermented ~~flavoured and aromatized~~ milk-based fluid beverages with flavourings and food ingredients that impart flavour, **including flavoured drinks based on fermented milk, and** excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and *lassi* (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener).

Rationale

IDF also supports the insertion of “products” in the title of 01.1.4 to immediately convey to the reader that this category consists of many types of “Flavored fermented and non-fermented fluid milk products” versus just “Flavored fluid milk”, which in some countries would mean liquid milk without any food additives, vitamins, or in some cases, limited processing.

In order to ensure the correct categorization of ‘drinks based on fermented milk’ (CODEX STAN 243-2003), IDF proposes to include an explicit reference to ‘flavoured drinks based on fermented milk’ in the descriptor of category 01.1.4, as inserted above. It could be considered to delete the “Includes” at the beginning of the descriptor to avoid repetition of the verb ‘include’. This construction is used in many food categories, e.g. FC 01.2.2, FC 01.3.1, FC 01.4 etc.)

CONSEQUENTIAL CHANGES TO THE TITLES AND/OR DESCRIPTORS OF CERTAIN FOOD CATEGORIES BASED ON THE ABOVE REVISED PROPOSAL

IDF supports all eWG consequential changes in this section, with the following additions.

Proposed changes:

01.2.1 Fermented milks (plain)

Includes all plain products, including fluid fermented milk, acidified milk and cultured milk. Plain yoghurt **and plain drinks based on fermented milk**, which does not contain flavours or colours, , may be found in one of the sub-categories of 01.2.1 depending on whether it is heat-treated after fermentation or not.

01.2.1.1 Fermented milks (plain), not heat-treated after fermentation

Includes fluid and non-fluid plain products, such as **plain drinks based on fermented milk and** yoghurt.15

Rationale

The categorization of ‘plain drinks based on fermented milk’ (currently covered in category 1.1.2) would be impacted by the fact that the new category 1.1.4 is exclusively covering flavoured products. Therefore this should also be addressed by including an explicit reference to ‘plain drinks based on fermented milk’ in the descriptor of category 01.2.1 (Fermented milks (plain)) and 01.2.1.1 Fermented milks (plain), not heat-treated after fermentation

Proposed change:

01.5 Milk powder and cream powder and powder analogues (plain)

Rationale

As discussed in the CCFA document CX para 33, IDF recommends that “plain” be removed from the overall title of 01.5 to allow for milk and cream powders that are flavoured.

Proposed changes:**14.0 Beverages, excluding dairy products:**

This major category is divided into the broad categories of non-alcoholic (14.1) and alcoholic (14.2) beverages. Dairy-based beverages ~~Flavoured fluid milk and flavoured fluid milk product are is~~ included in ~~01.1.2~~ **01.1.4**.

Rationale

This change is to reflect the change proposed by IDF in the title of category 1.1.4, to cover both flavoured fluid milk, and flavoured fluid milk products.

CONSEQUENTIAL REVISIONS TO THE ANNEX TO TABLE THREE of the GSFA**ANNEX TO TABLE THREE**

Category Number	Food Category
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Proposed changes:

01.1.1	Fluid milk (plain) and fluid milk products (plain) [renumbered - currently 01.1.1.1]
01.1.2	Other fluid milk (plain) and other fluid milk products (plain) [new subcategory]

Rationale

This change is to reflect the change proposed by IDF in the title of category 1.1.1, to cover also fluid milk products, and in the title of category 1.1.2 to cover also other fluid milk products.

CONSEQUENTIAL CHANGES TO THE GSFA ANNEX C**CROSS-REFERENCE OF CODEX STANDISED FOODS WITH THE FOOD CATEGORY SYSTEM USED FOR ELABORATION OF THE GSFA****Proposed changes:**

Standard No	Codex Standard Title	Food Cat. No.
243-2003	Fermented milks (drinks based on fermented milk, plain or flavoured, heat treated or not heat treated)	01.1.2 01.1.4
<u>243-2003</u>	<u>Fermented milks (drinks based on fermented milk, plain, not heat treated)</u>	<u>1.2.1.1</u>
<u>243-2003</u>	<u>Fermented milks (drinks based on fermented milk, plain, heat treated)</u>	<u>1.2.1.2</u>

Rationale

These changes are to reflect the separation of plain and flavoured drinks based on fermented milks as proposed under category 1.1.4.