

CODEx ALIMENTARIUS COMMISSION



Food and Agriculture
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Agenda item 8

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON PROCESSED FRUITS AND VEGETABLES (CCPFV)

working by correspondence through the Codex online-platform

REPORT OF THE ELECTRONIC WORKING GROUP ON MATTERS REFERRED FROM THE CODEx COMMITTEE ON FOOD ADDITIVES (CCFA), INCLUDING MATTERS FROM CCFA49 AND CCFA50

Members and observers wishing to comment on this document should join CCPFV29 usergroup in Codex online forum (<http://forum.codex-alimentarius.net/index.php>) and provide their comments to CCPFV29 usergroup when CCPFV29 requests them.

I. BACKGROUND

In July 2018, the 41st session of the Codex Alimentarius Commission endorsed the recommendations of the CCPFV Chairperson to establish seven electronic working groups (EWGs) to begin the new work approved for CCPFV. This included the EWG on Matters Referred from CCFA to be chaired by the United States and tasked with preparing draft responses for consideration by CCPFV to the matters referred to CCPFV from CCFA49 and CCFA50.

The EWG on Matters Referred from CCFA was established in 2018 and chaired by the United States of America with the participation of Australia, Austria, Brazil, Canada, Ecuador, European Union, Greece, Iran, Israel, Mexico, Peru, Thailand, Turkey, South Africa, Republic of Korea, the United Kingdom, the United States of America, FoodDrinkEurope, International Council of Beverages Associations (ICBA), International Food Additives Council (IFAC), International Fruit and Vegetable Juice Association (IFU), World Processing Tomato Council (WPTC). The results of the EWG's consultations on the nine items referred by CCFA are provided in Section II EWG RESPONSES, below. Also attached is Appendix I which provides proposals from EWG members regarding "clarification on juice and nectar products with non-juice food additive ingredients."

II. EWG RESPONSES

Part I. Technological Justifications (Items 1-6)

Item 1

CCFA49 (2017) requested CCPFV to provide more conclusive replies concerning the technological justification for the use of "emulsifiers, stabilizers, thickeners" in general, and xanthan gum (INS 415) in particular, in food category (FC) 14.1.2 "Fruit and vegetable juices" and FC 14.1.3 "Fruit and vegetable nectar" generally and in specific sub-categories (see CCFA49 report, para 14(ii)).

The EWG was not able to resolve all the issues under items 1 and 6. The EWG believes that additional clarification is needed with respect to the proper classification of juice and nectar products with non-juice food additive ingredients, such as emulsifiers, stabilizers, thickeners (ESTs).

The EWG makes the following specific recommendations:

1) Pectins

- Recommend the addition of pectins (INS 440) at a use level of GMP in Tables 1 and 2 of the GSFA for FC 14.1.2.2 (vegetable juice) with note 35 and for FC 14.1.2.4 (concentrates for vegetable juice) with notes 35 and 127.

- Note 35 For use in cloudy juices only.
- Note 127 On the served to the consumer basis.

2) Request clarification on the proper classification of juice and nectar products with non-juice food additive ingredients

- Inform CCFA that there is a significant market presence of formulated juice and nectars with non-juice food additive ingredients, such as ESTs.
 - Inform CCFA that a key to resolve some of the food additive issues is to get clarification on the proper classification of formulated juice/nectars with non-juice food additive ingredients, such as ESTs.
 - Provide CCFA with suggestions from the EWG (see Appendix A). If another CCPFV EWG is established or a CCPFV physical meeting is held in the future, CCPFV could discuss the issue further. However, with uncertainties on the future of CCPFV, the EWG asks for CCFA's input.
- 3) Request CCFA for classification of blends of fruit and vegetable juices and nectars under GSFA
- Inform CCFA that there is a significant market presence of blends of fruit and vegetable juices and nectars.
 - Inform CCFA the broad category of FC 14.1.2 suggests that these types of product should be captured under FC 14.1.2; however, CCPFV does not have consensus and further clarification is needed.

Item 2

CCFA49 requested CCPFV to provide more conclusive replies concerning the technological justification for the use of acidity regulators in general, and tartrates specifically (INS 334, 335(ii), 337) in FC 04.1.2.2 "Dried fruit" (see CCFA49 report, para 14(ii)).

The EWG makes the following recommendation:

The EWG defers item 2 to the CCPFV EWG working on the Standard for Dried Fruits.

Item 3

CCFA49 requested CCPFV to provide more conclusive replies concerning the technological justification for the use of tartrates (INS 334, 335(ii), 337) in FC 04.1.2.6 (Fruit based spreads (e.g. chutney), excluding products in food category 04.1.2.5) (see CCFA49 report, para 14(ii)).

The EWG makes the following recommendation:

The EWG defers item 3 to the CCPFV EWG working on the Standard for Mango Chutney.

Item 4

CCFA49 indicated that the technological justification for the use of colors in French fried potatoes was in the purview of CCPFV (see CCFA49 report, para 14(iii)).

The EWG makes the following recommendations:

- Inform CCFA that there are divergent views on the technological justification of color additives in frozen French fried potatoes. While color additives enhance color and thus can facilitate the reduction of acrylamide formation in frozen French fried potatoes, members did not agree on whether such use is necessary as there are other means for acrylamide reduction.
- Request that CCFA address the issue based on safety and only refers this matter back to CCPFV if CCFA seeks new information that has not yet been discussed in CCFA and CCPFV.

Item 5

CCFA50 requested guidance from CCPFV regarding the use of acidity regulators in general, and calcium lactate (INS 327) specifically, in FC 14.1.2.1 (Fruit juice) generally, and in Chinese plum juice specifically (see CCFA50 report, para 86 (ii) and CCFA50, CRD 2, page 12).

The EWG makes the following recommendations:

- In general, EWG believes that there is no technological justification for the use of calcium lactate as an acidity regulator for products under FC 14.1.2.1 (Fruit juice) with the possible exception of Chinese plum juice.
- However, the EWG needs more information to determine whether Chinese plum juice is a product under FC 14.1.2.2 (fruit juice) or FC 14.1.4 (water-based flavored drinks).
- If Chinese plum juice is a product under FC 14.1.4 (water-based flavoured drinks), calcium lactate is already permitted for use as a Table 3 additive at GMP level.
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Item 6

CCFA50 requested guidance from CCPFV regarding the use of acidity regulators in general and phosphates (INS 338; 339(i)-(iii); 340(i)-(iii); 341(i)-(iii); 342(i)-(ii); 343(i)-(iii); 450(i)-(iii),(v)-(vii), (ix); 451(i),(ii); 452(i)-(v);542) and tartrates (INS 334, 335(ii), 337) specifically in FC 14.1.2.2 (Vegetable juice), FC 14.1.2.4 (Concentrates for vegetable juice), FC 14.1.3.2 (Vegetable nectar), and FC 14.1.3.4 (Concentrates for vegetable nectar) and the maximum use levels needed to achieve the intended technological effect (see CCFA50 report, para 86 (iii) and CCFA50, CRD 2, page 13).

The EWG makes the following recommendations:

- Add phosphates (INS 338; 339(i)-(iii); 340(i)-(iii); 341(i)-(iii); 342(i)-(ii); 343(i)-(iii); 450(i)-(iii),(v)-(vii), (ix); 451(i),(ii); 452(i)-(v);542) and tartrates (INS 334, 335(ii), 337) in Tables 1 and 2 of the GSFA for FC 14.1.3.4 (concentrates for vegetable nectar) with notes 33, 40, 127 and with a maximum use limit of 1000 mg/kg as phosphorous.

Note 33: As phosphorous

Note 40: Pentasodium triphosphate (INS 451(i)) only, to enhance the effectiveness of benzoates and sorbates

Note 127: On the served to the consumer basis

- Inform CCFA that the remaining issues under item 6 cannot be resolved at this time until further discussion on the proper classification of juice and nectar products with non-juice food additive ingredients (see item 1 and Appendix A).

Part II. Revocations of certain food additives (Items 7-9)

Items 7 and 8

CCFA50 recommends that CCPFV consider the revocation of potassium hydrogen malate (INS 351(i)), potassium malate (INS 351(ii)), monosodium tartrate (INS 335(i)), monopotassium tartrate (INS 336(i)) and dipotassium tartrate (INS 336(ii)) in the Standard for Canned Bamboo Shoots (CXS 241-2003) and in the Standard for Jams, Jellies and Marmalades (CXS 296-2009).

The EWG makes the following recommendations:

- The EWG concurs with the revocation of monosodium tartrate (INS 335(i)), monopotassium tartrate (INS 336(i)) and dipotassium tartrate (INS 336(ii)) from the *Standard for Canned Bamboo Shoots* (CXS 241-2003) or the *Standard for Jams, Jellies and Marmalades* (CXS 296-2009).
- The EWG notes that potassium hydrogen malate (INS 351(i)) and potassium malate (INS 351(ii)) are not listed in the *Standard for Canned Bamboo Shoots* (CXS 241-2003) or the *Standard for Jams, Jellies and Marmalades* (CXS 296-2009).

Item 9

CCFA50 recommends that CCPFV consider the revocation of the provision for sodium sorbate (INS 201) from the *Standard for Jams, Jellies and Marmalades* (CXS 296-2009) (see CCFA50 report, para 134(vi)).

The EWG makes the following recommendation:

The EWG concurs with the revocation of sodium sorbate (INS 201) from the *Standard for Jams, Jellies and Marmalades* (CXS 296-2009).

Clarification on juice and nectar products with non-juice food additive ingredients

Proposals from EWG members

Austria

“There is no need to change the status quo.”

“If there, however, really should be a need and technological justification for the use of “emulsifiers, stabilizers and thickeners” for special fruits in some countries (arguments from juice producers for the use are still missing in this discussion), Austria proposes to categorize these products with non-juice ingredients (ESTs) in 14.1.4. (new sub-category).”

From the 3rd round of comments: “Austria recommends to integrate beverages containing not permitted food additives in products listed in the categories FC 14.1.2 or FC 14.1.3 and their sub-categories in the category FC 14.1.4 (water based flavoured drinks) – optionally in an additional proper subcategory of FC 14.1.4 (e.g.: “fruit- and vegetable juice containing beverages” – an adequate description must be found).”

Canada

“Canada suggests the CPFV identify the following categories:

- Juices, nectars and their concentrates: products conforming to the General Standard for Fruits

Juices and Nectars (CODEX STAN 247-2005)

- Formulated juice products (or other similar descriptive term): beverages that contain juice with food additives or non-juice ingredients provided that the addition of the food additives or nonjuice ingredients do not result in the diminution of the juice soluble solids or in the case of expressed juice, in a change in the volume”

United Kingdom

“The UK view is that products with added EST’s fall under Category 14.1.4.2 (fruit and vegetable juice-based drinks) and we do not see a need to amend the GSFA as these products already fall into a GSFA category. However if there was a consensus for that then we could support a separate category being created for such products but they should be described properly and need to avoid being confused with fruit juice as defined in 14.1.2.1 Fruit juice.”

“We think this should be clarified in CCPFV first as there doesn’t seem to be consensus on this.”

United States

The United States recommends providing the option of adding “XS#” for future consideration.

ICBA

ICBA provides the following options in a table for CCFA consideration relative to proper placement of 100% juices with ‘non-juice additives’ within the GSFA framework.

Options	Scope	Questions for CCFA consideration
1	Confirm that 100% juices with ‘non-juice additives’ fit under 14.1.4.2.	<ul style="list-style-type: none"> • What does the following statement in the general description of 14.1.4. mean exactly: “includes products based on fruit and vegetable juices” with annotated note 83, “Fruit and vegetable juices <i>per se</i> are found in 14.1.2.1 and 14.1.2.2, respectively”? Please also provide further clarification and context for a similar statement made in 14.1.4.2.: “... fruit and vegetable juice-based drinks (e.g., almond, aniseed, coconut-base...” • Do both formulated 100% fruit juices with ‘non-juice additives’ and formulated 100% vegetables juices with ‘non-juice additives’ and their corresponding blends fit within 14.1.4.2.? Why or why not? • Are there considerations that should be made if formulated 100% juices and nectars with ‘non-juice additives’ are to be placed within 14.1.4.2., a category that was intended to reflect predominantly non-carbonated water-based flavoured

		<p>beverages?</p> <ul style="list-style-type: none"> • What is the scope envisioned for the Codex Commodity Standard on Fruit Juices and Nectars (Codex Stan 247-2005)? <ul style="list-style-type: none"> ○ Was this Codex Standard intended strictly for direct production of 100% fruit juices ('fruit juices' per Codex) (e.g., squeezing of oranges, etc.), OR does it also apply to formulated 100% fruit juice ('fruit juices' per Codex) products that contain non-juice additives? ○ Does the Codex Commodity Standard on Fruit Juices and Nectars (Codex Stan 247-2005) automatically extend to direct production of 100% vegetable juices and nectars without 'non-juice additives'? PLEASE NOTE that the adopted Codex Commodity Standard for Vegetable Juices and Nectars was revoked in 2003 due to limited trade at that time.^{1/}
2	Application of the XS footnote, routinely applied by CCFA in alignment of commodity standards with GSFA categories	<ul style="list-style-type: none"> • How has CCFA distinguished scope of non-standardized products from standardized products in the past for any given GSFA category that has corresponding commodity standards? • In practice, is there any risk of confusion by the use of the XS footnotes within the GSFA? By consumers, regulators, customs/inspection staff, producers, and formulators? • Wouldn't the application of the XS footnote to 14.1.2.1., 14.1.2.3., 14.1.3.1., 14.1.3.3 (within which the corresponding Codex Commodity Standard for Fruit Juices and Nectars fits, Codex Stan 247-2005) automatically remove the 1:1 relationship currently in place by these subcategories and the Fruit Juice and Nectar standard? • Does CCFA agree that 100% vegetable juices and nectars with or without 'non-juice additives' are captured already under 14.1.2.2., 14.1.2.4., 14.1.3.2., 14.1.3.4., and therefore would not need to be considered for the XS footnote option?
3	<p>Create NEW GSFA subcategories and clarifying in the description that products within scope of these new subcategories are limited to only formulated 100% fruit juices (or fruit nectars) with non-juice 'additives'</p> <ul style="list-style-type: none"> ○ 14.1.2.5 100% fruit juice with 'non-juice additives', ○ 14.1.2.6 (Concentrates), ○ 14.1.3.5 Fruit nectars with 'non-juice additives', ○ 14.1.3.6 (Concentrates). 	<ul style="list-style-type: none"> ○ What are CCFA views around a new set of subcategories under 14.1.2. and 14.1.3. relative to formulated 100% fruit juices and nectars with 'non-juice additives'? Would a new set of subcategories afford better distinction between these products and 100% fruit juices and nectars from direct production that do not contain added 'non-juice' additives? ○ Does CCFA agree that 100% vegetable juices and nectars with or without 'non-juice additives' are captured already under 14.1.2.2., 14.1.2.4., 14.1.3.2., 14.1.3.4., and therefore would not need to be considered here? (PLEASE NOTE that the adopted Codex Commodity Standard for Vegetable Juices and Nectars was revoked in 2003 due to limited trade at that time.^{2/}) ○ Does CCFA affirm that the Codex Commodity Standard on Fruit Juices and Nectars (Codex Stan 247-2005) applies only to 100% fruit juice and nectars with NO added 'non-juice additives'? ○ Should these new subcategories be endorsed, would CCFA support the notion that 100% juice (and nectar) fruit-vegetable blends from either direct production or formulated as such with or without 'non-juice additives' are adequately covered

¹ *Ad hoc* Codex Intergovernmental Task Force on Fruit and Vegetable Juices (2002 ALINORM 3/39, Appendix III - PROPOSED DRAFT REVISED CODEX GENERAL STANDARD FOR VEGETABLE JUICES (CODEX STAN 179-1991); 2003 ALINORM 3/39A-para. 91, 92)

		<p>under 14.1.2. and 14.1.3., respectively?</p> <ul style="list-style-type: none"> ○ Would CCFA support the following consequential revision to the Codex Commodity Standard on Fruit Juices and Nectars should the NEW GSFA subcategory option be the preferred option: ○ Remove the benzoate provision from 14.1.2.1, 14.1.2.3, 14.1.3.1, 14.1.3.3 in the GSFA and move under NEW GSFA FC 14.1.2.5, 14.1.2.6, 14.1.3.5, 14.1.3.6.
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ICBA also makes the following recommendation:

“CCFA could recommend to CCFL that the following provision within *Codex General Standard for the Labeling of Prepackaged Foods (CXS 1-1985)* be amended with **suggested additions** noted in **bold**:

“4.1.2 There shall appear on the label either in conjunction with, or in close proximity to, the name of the food, such additional words or phrases as necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the food including but not limited to:

- the type of packing medium, style, and the condition or type of treatment it has undergone; for example: dried, concentrated, reconstituted, smoked;

in the case of 100% juices, the ‘with’ qualifier when non-juice ingredients are added to the product; ...”

IFU

“We therefore reiterate our suggestion to maintain the status quo or that a separate category is created for these products (provided it is clearly specified in all aspects to prevent confusion, misleading labelling and food fraud).”

“IFU requests that this matter is resolved within CCPFV first so that juice/nectars experts both from industry and governments get an opportunity to share their opinion and have a meaningful discussion.”

From the 3rd round of IFU comments:

“However, if further clarification is sought then the text in 14.1.4 and/or 14.1.4.2 could be revised.

The following is suggested for 14.1.4.2

14.1.4.2 Non-carbonated water-based flavoured drinks, including punches and ades:

Include water-based flavoured drinks without added carbon dioxide, fruit and vegetable juice-based drinks, (e.g, almond, aniseed, coconut-based drinks, and ginseng drink) , including products based on juices with table 3 additives that are not permitted in categories 14.1.2 and 14.1.3 provided they are suitably labelled to differentiate them from juices and nectars so as not to mislead the consumer. Fruit flavoured ades (e.g. lemonade, orangeade), squashes (citrus-based soft drinks), capile groselha, lactic acid beverage, ready-to-drink coffee and tea drinks with or without milk or milk solids, and herbal-based drinks (e.g. iced tea, fruit-flavoured iced tea, chilled canned cappuccino drinks) and “sports” drinks containing electrolytes. These beverages may be clear or contain particulated matter (e.g. fruit pieces), and may be unsweetened or sweetened with sugar or a non-nutritive high-intensity sweetener. Includes so-called “energy” drinks that are non-carbonated and contain high levels of nutrients and other ingredients (e.g. caffeine, taurine, carnitine).”

Turkey also suggests similar revision of 14.1.4.2 to resolve the issue.