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JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
Ninth Session, Rome, 6-17 November 1972
REPORT OF THE FOURTH SESSION OF
THE CODEX COMMITTEE ON NATURAL MINERAL WATERS
Vienna, 12-13 June 1972

INTRODUCTION

1. The fourth session of the Codex Committee on Natural Mineral Waters was held in Vienna by courtesy of the Governments of Switzerland and Austria. The meeting was opened by Dr. R. Wildner, Coordinator for Europe, who welcomed the participants and expressed the hope that the various issues would be resolved so that the Committee could make recommendations to the Coordinating Committee for Europe concerning the Draft European Regional Standard for Natural Mineral Waters. The meeting was attended by delegates from Austria, Belgium, France, the Federal Republic of Germany, Italy, Luxemburg, Spain, Sweden, Switzerland and the United Kingdom and observers from the European Economic Community. Professor O. Hödgl presided as Chairman of the session. The list of participants including officers from FAO and WHO is attached as Appendix I.

ADOPTION OF THE AGENDA

2. On the proposal of the delegation of France, supported by the delegations of Austria, Italy, Luxemburg, Spain and Switzerland, which made particular reference to the conclusion of the 8th session of the Coordinating Committee for Europe (Vienna, October 1971) that comments should be requested from governments on the subject contained in item 4 of the Agenda, the Committee decided to discuss Agenda Item 4 which dealt with the consideration of the Draft Standard on Natural Mineral Waters before Agenda Item 3 concerning the Report of the Second WHO Consultation on Natural Mineral Waters.

RECONSIDERATION OF THE DRAFT EUROPEAN REGIONAL STANDARD FOR NATURAL MINERAL WATERS

3. The Committee had before it a synopsis of government comments on the above Draft Regional Standard (CX/EURO 72/2) and Addenda 1, 2 and 3 thereto. It also had before it a paper prepared by the delegation of Switzerland containing proposals for the amendment of the standard and information concerning results of analysis of a number

of Swiss mineral waters as well as average results of analysis of Swiss public water supply. A paper (CX/EURO 72/Conference Room Document I) containing a revised version of the Draft Standard for Natural Mineral Waters was distributed at the session.

Consideration of the Scope Section

4. The delegation of the United Kingdom drew the Committee's attention to an apparent ambiguity in this section of the Standard, which arose from the amendment agreed to by the last session of the Coordinating Committee for Europe, i.e. that the words "used as beverages" should be added to the Scope Section. In the opinion of the United Kingdom the above amendment was not sufficiently specific and might be interpreted as meaning that only those mineral waters which were solely used as beverages would be covered by the Standard. As there might be other uses envisaged for natural mineral waters there appeared to be a risk that such waters could fall outside the scope of the Standard. The Committee agreed to add the word "all" before the words "natural mineral waters" and to add "whenever" after the word "waters", to make it clear that the Standard would apply to mineral waters offered for sale with the intention that they should be used as beverages.

Discussion of the Definition

5. The Committee agreed to base its discussions on the text proposed by the delegation of the United Kingdom (see Appendix III of the Report of the 8th session of the Coordinating Committee for Europe, ALINORM 72/19 A). In discussing this section, the Committee noted the recommendations of the Second WHO Consultation on Natural Mineral Waters. It took into account the comments received from governments, as well as its previous decision to include only those mineral waters in the Standard which were used as beverages.

6. As regards sub-section II.A(i), the Committee agreed with the proposal of the delegation of Austria to amend it to read "at least 1000 mg of total dissolved solids or at least 250 mg of free dissolved carbon dioxide". The delegation of Austria informed the Committee that a minimum requirement of 1000 mg/kg for dissolved carbon dioxide was being envisaged in his country in view of the fact that most mineral waters obtained in Austria contained not less than the amount per litre.

7. The WHO representative proposed that recommendation No. 3 in the Hygiene Section of the General Recommendations of the Second WHO Consultation, which stated that mineral waters must not contain any material in amounts which could be detrimental to the health of children or adults (pregnant or not) or patients suffering from different ailments even if their entire water intake consisted of only one brand of mineral water, be considered as a substitute for the statement in the proposed draft standard that pertains to "properties favourable to health". This proposal was supported by the delegation of the U.K. who pointed out that this proposal of the WHO representative was pertinent and important in the matter of limiting concentrations of contaminants in mineral waters. It was pointed out by several delegations that the use of mineral waters had a long tradition in their countries and that their use was associated with favourable to health claims. In addition, their legislations contained such a descriptive claim. This claim, they said, was based on physical, chemical, microbiological, clinical and pharmacological examinations and on its long usage. Therefore, they were of the opinion that such a descriptive phrase was appropriate.

8. The Committee did not agree to the WHO proposal since, in its opinion, it was implicit that the product covered by a Codex standard would be wholesome and suitable

for human consumption. However, to make it clear that the provision for not less than 1000 mg/kg of total dissolved solids covered substances which would not represent a hazard to health, the Committee decided that the Standard should require such dissolved solids to impart to the mineral water properties favourable to health.

9. The WHO representative pointed out that the Commission had requested WHO to elicit medical opinion on the validity of the proposed claims relative to properties "favourable to health" and "favourable physiological properties" which appeared in the Standard. He informed the Committee that a Consultation had been held by WHO to which scientists expert in the fields of physiology, electrolyte metabolism, chemical pharmacology, toxicology and hydrology had been invited. The Consultation had taken into account the amended scope of the Standard in their recommendations which are contained in its report (CX/MIN 72/2) distributed to Codex Contact Points. According to expert medical opinion based on some 75 pertinent papers from the recent medical literature, since no relevant data were received from governments, the statement that mineral waters had properties favourable to health or had favourable physiological properties was not supported by any of the data studied. In addition, no pharmacological effect of mineral waters had been demonstrated except those due to the known constituents of the water. The Consultation had also considered that the evidence revealed that, in some circumstances, some mineral waters contained substances in sufficiently high amounts to be a potential hazard and that the limited amounts of radioactivity formed in some mineral waters could possibly become important when added to a high background exposure.

10. On the basis of the above expert medical opinion, the representative of WHO informed the Committee that his Organization recommended, in respect to the definition and labeling sections of the Standard, that the statements "has properties favourable to health because of its particular qualities" and "has favourable physiological properties" should be deleted. As a result of these considerations, statements concerning properties favourable to health should not be permitted to appear on the label.

11. The delegate from Sweden supported the recommendation of the Second WHO Consultation pertaining to the definition and the delegation from the U.K. stated that they were not opposed. The delegation from the Federal Republic of Germany was of the opinion that the objective criteria on which properties favourable to health were based must be defined.

12. A number of delegations, in particular those of France, Italy and Switzerland, questioned the qualifications in medical hydrology of experts who had been invited by WHO to the private meeting which took place in Geneva from 14 to 16 March 1972. The Committee did not accept the recommendations of WHO but, in its consideration of sub-section (ii) of the United Kingdom definition, it decided to use the expression "properties favourable to health" rather than "favourable physiological effects". It also agreed that the comments of the delegation of France contained in a Conference Room Document distributed at the session, should be taken into consideration in re-drafting the definition of natural mineral water. The delegations of France and the United Kingdom agreed to assist the Secretariat in drawing up a new draft for adoption by the Committee. The definition, as amended by the Committee, is given in Appendix II of this Report.

13 After it was decided by the Committee to retain the originally proposed definition for natural mineral water (CX/EURO 72/Conference Room Document Number 1) the WHO representative directed the Committee's attention to the fact that WHO had been requested by the Commission to elicit medical opinion with regard to the proposed

health claims which appear in the Draft Standard and that the actions taken by this Committee did not accord with the opinion which had been solicited.

14. The Committee agreed with the view of the delegation of Switzerland that it was desirable that governments should continue to publish in official media whenever particular waters had been recognized by them as natural mineral waters.

Consideration of the Section on Labelling (E. Optional Labelling)

15. The Committee noted that the Codex Committee on Food Labelling had recommended the deletion of this Section in view of the fact that para 6 of the Recommended International Standard for the Labelling of Prepackaged Foods already permitted the inclusion on the label of any statement which was not misleading. Some delegations were of the opinion that the optional labelling section of the Standard was informative and should, therefore, be retained. It was not clear from the present draft of the optional labelling section whether only the items listed in that section may appear on the label, while Section 6 of the General Labelling Standard permitted the inclusion of any truthful statement. The Committee decided to retain the optional labelling section but with the provision that the items subject to the optional labelling provision and particularly any claim concerning properties favourable to health, shall be made in accordance with any appropriate national legislation of the country in which the product was sold.

CONSIDERATION OF THE REPORT OF THE SECOND WHO CONSULTATION ON NATURAL MINERAL WATERS

16. The Committee did not discuss the above Report (CX/MIN 72/2), as the representative of WHO had drawn the Committee's attention to the conclusions and recommendations of his Organization during the discussion of the various sections of the Draft Standard for Natural Mineral Waters.

OTHER BUSINESS

17. The Committee noted that, in conformity with the decision of the 8th session of the Coordinating Committee for Europe, an Informal Group had met in Bern in April to discuss methods of analysis for natural mineral waters; the proposals of the Informal Group would be made available to the next session of the Codex Committee on Methods of Analysis and Sampling scheduled to take place in Budapest from 12 to 18 September 1972.

APPENDIX I

LIST OF PARTICIPANTS LISTS DES PARTICIPANTS LISTA DE PARTICIPANT55

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*The Heads of delegations are listed
first; Alternates, Advisers, and
Consultants are listed in alphabetical
order.

Les chefs de délégations figurent en
tête et les suppléants, conseillers et
consultants sont énumérés par ordre
alphabétique.

Figuran en primer lugar los Jefes de

las delegaciones; los Suplentes,
Asesores y Consultores aparecen por
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AMENDMENTS TO THE DRAFT EUROPEAN REGIONAL STANDARD FOR NATURAL
MINERAL WATER PROPOSED BY THE CODEX COMMITTEE ON NATURAL
MINERAL WATERS FOR CONSIDERATION BY THE COORDINATING COMMITTEE
FOR EUROPE

I. SCOPE

This standard applies to all natural mineral waters whenever used as beverages, and to refreshing non-alcoholic beverages, which are manufactured with natural mineral waters insofar as the content of natural mineral waters is concerned.

II. DESCRIPTION

A. Definition of Natural Mineral Water

Natural mineral water is bacteriologically sound water from a natural or drilled underground water source. It is clearly distinguishable from ordinary drinking water (a) because of its nature, characterized by its content of minerals, or trace elements, or other constituents; and (b) because of its original purity; both having been preserved unchanged as a result of the underground origin of this water, which has been protected from all types of pollution.

These characteristics, which confer properties favourable to health, shall be determined on the basis of examinations according to approved scientific methods, with regard to:

- (i) geological and hydrological;
- (ii) physical, chemical and physico-chemical;
- (iii) microbiological; and
- (iv) clinical and pharmacological considerations, except that these latter examinations are not obligatory when the water in question contains in 1 kg, at its origin and after bottling, at least 1000 mg of total dissolved solids or at least 250 mg of free dissolved carbon dioxide.

The recognition of a water as a natural mineral water in accordance with the above criteria is a matter for the competent authority in the country of origin.^{1/}

1/ The Committee agreed that a suitable text be inserted at the end of this paragraph requiring that the recognition by national authority of waters as natural mineral waters be published in official gazettes.

VI. LABELLING

E. Optional Labelling

The following information, which may also appear on the label or container, and in particular any claim concerning properties favourable to health referred to in paragraph (d) below, shall be in accordance with any appropriate national legislation of the country in which the natural mineral water is sold:

- (a) trade name;
- (b) the date of the authorization to commence production (exploitation);
- (c) the results of analysis of the water either as it emerges at the source, with the mentioning of any treatment, or of the contents of the bottle;

(d) Statements concerning properties favourable to health.