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FOOD AND AGRICULTURE
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Agenda Item5(a)

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Fortieth Session

Beijing, China, 21-25 April 2008

REPORT OF THE ELECTRONIC WORKING GROUP ON THE GSFA

COMMENTS

The following comments have been received from the following Codex members and observers:

United States of America, CEFS, ICA, IFMA and IFU

United States of America:

This responds to CX/FA 08/40/5 Parts 1 and 2 (February 2008) which requests comments on the report of the electronic Working Group on the GSFA. The United States of America appreciates the opportunity to provide the following comments for consideration at the forthcoming 40th Session of the Codex Committee on Food Additives (CCFA).

Overall, the United States can agree to the endorsement of the recommendations of the electronic Working Group on the GSFA. However, we note that several colors require batch certification by the United States Food and Drug Administration (U.S. FDA) in order for them to be added to food sold in the United States. In addition, several other additives are either prohibited for use in the United States or have not been approved for use in the United States due to unresolved safety issues which arose during their premarket review. These instances are specified below.

Colors requiring batch certification: In order for the following colors to be added to food sold in the United States they must be batch certified by the U.S. FDA to ensure their safe use: Sunset Yellow FDF (FD&C Yellow No. 6), Allura Red AC (FD&C Red 40), Indigotine (FD&C Blue No. 2), Brilliant Blue FCF (FD&C Blue No. 1), Fast Green FCF (FD&C Green No. 3), Erythrosine (FD&C Red No. 3).

Prohibited food additives: The use of Cyclamic Acid is prohibited in foods sold in the United States. Moreover, Alitame has not been approved for use in foods sold in the United States due to unresolved safety concerns. In addition, the following colors have not been approved for use in the United States due to unresolved safety concerns: Ponceau 4R, Quinoline Yellow, Azorubine, Brilliant Black, Brown HT, Beta-Apo-8'Carotenoid Acid, Methyl or Ethyl Ester, and Chlorophylls, Copper.

Food additives with limited uses: Iron oxides are only permitted for use in the United States as color additives in edible sausage casings. In addition, EDTAs have not been evaluated for use in the proposed food categories.

For Caramel III – Ammonia Process (INS 150c) and Caramel IV – Sulphite Ammonia Process (INS 150d), the United States recommends that the Committee endorse for adoption at Step 8 an acceptable maximum use level of 50,000 mg/kg in food categories 14.2.1 (Beer and malt beverages), 14.2.3.3 (Fortified grape wine, grape liquor wine, and sweet grape wine), 14.2.6 (Distilled spirituous beverages containing more than 15% alcohol), and 14.2.7 (Aromatized alcoholic beverages (e.g., beer, wine and spirituous cooler-type beverages, low-alcoholic refreshers).

The use of Caramel III and Caramel IV in foods covered by these GSFA food categories is widespread in products produced and sold in the United States as well as in other countries. In addition to providing color, the use of these caramel colors in foods conforming to these food categories ensure a high level of consistency among production batches.

The United States notes inconsistencies in the eWG recommendations as they relate to the use of colors in certain non-standardized chocolate products covered by food category 05.1.4 (Cocoa and chocolate products) and the use of colors in foods under category 05.2 (Confectionery, including hard and soft candy, nougats, etc. other than food categories 05.1, 05.3, and 05.4) and under food category 05.4 (Decorations (e.g., for fine bakery wares), toppings (non-fruit) and sweet sauces).

Non-standardized chocolate products, such as chocolate covered in a sugar-based “shell,” chocolate-enrobed creams, and chocolate products with colored decorations are included under food category 05.1.4 and are excluded from the products defined by the Codex Standard for Chocolate and Chocolate Products (CODEX STAN 87-1981). These non-standardized chocolate products are also excluded from food categories 05.2 and 05.4. Colors are used in products conforming to food categories 05.1.4, 05.2 and 05.4 for similar purposes, such as to color sugar-based shells, cream centers or decorative portions of the product.

To avoid any unintended trade problems with non-standardized chocolate products that are widely produced and traded internationally, the United States recommends that the CCFA consider approaches to ensure that provisions for the use of color additives in non-standardized chocolate products, that is, chocolate products that do not conform to the Codex Standard for Chocolate and Chocolate Products, are consistent with the approach for the use of colors in other confections, without compromising the limitations on the use of colors as defined in the Codex Standard for Chocolate and Chocolate Products.

CEFS:

Draft additive provisions for colours in Category 11.3:

CEFS (Comité Européen des Fabricants de Sucre) would like to reiterate its attachment to the principle that, as far as non-standardised sugars (subcategories 11.2-11.4) are concerned, the addition of new additives should only be permitted if there is a technological justification and need, and in amounts which do not present a hazard for health. Moreover, the labelling should mention the presence of the additives.

In particular, food category No. 11.3 covers sugar solutions, invert sugar solutions and invert sugar syrups as defined in the EU “Sugars Directive”. There is neither a technological need for colouring these sugars nor permission for the use of colours by EU legislation. In addition, such coloured products are already covered by GSFA food category 11.4 (*other sugars and syrups - e.g. xylose, maple syrup, sugar toppings -*), which includes all types of table syrups, syrups for fine bakery wares and edible ices (e.g. caramel syrup, flavoured syrups), and decorative sugar toppings (e.g. coloured sugar crystals for cookies) [*see GSFA food category descriptors*].

According to this principle, CEFS would suggest that **the following draft provisions for colours should be deleted from category 11.3** (*Sugar solutions and syrups, also (partially) inverted, including treacle and molasses, excluding products of food category 11.1.3.*) of the GSFA :

Subcategory	Additives	Max Level (mg/kg)
11.3. Sugar solutions and syrups, also (partially) inverted, including treacle and molasses, excluding products of food category 11.1.3.	Canthaxanthin (INS 161g)	15mg/kg (step 6)
	Indigotine (INS 132)	300 mg/kg (step 6)
	Sunset Yellow FCF (INS 110)	300 mg/kg(step 6)
	Carotenoids (INS 160ai, 160aii, 160e,160f)	50mg/kg (proposed new use)
	Carotenes, Vegetable (INS 160aii)	50mg/kg (proposed new use)
	Annatto Extracts, Bixin-based (INS 160b(i))	25 mg/kg or 100mg/kg (proposed new use)
		- Suppression -

As far as Appendix II of Part II of the Report of the eWG on the GSFA is concerned (“*GSFA Categories in which the use of one or more colours is technologically justified*”), we would like to recall that the inclusion of category 11.3 in this positive list of foodstuffs containing colours originates from a confusion as to the distinction between categories 11.3 and 11.4 of the GSFA. Back to 2005, this confusion led to the adoption of the provisions for “*riboflavins 101 i,ii*” at the maximum level of 300 mg/kg in category 11.3. GSFA’s food category descriptors make it clear, however, that category 11.4 covers artificially-coloured sugars and syrups, and not category 11.3.

The use of riboflavins or any other colour is therefore not justified in GSFA food category 11.3. CEFS would recommend that CCFA **suppresses the wrongly adopted provision for riboflavins from category 11.3** (noting that the same provision was also proposed and adopted - this time rightly - for category 11.4) and would subsequently support the **deletion of category 11.3 from Appendix II**, containing the list of food categories in which the use of colours is justified.

Draft additive provisions for sweeteners in category 11.4:

At its 39th Session, CCFA had an extensive discussion on the general use of sweeteners in foodstuffs. Footnote 161 was adopted, according to which national authorities have the possibility to require specific restrictions on the use of sweeteners to ensure that this use does not mislead the consumer, has advantages and is technologically justified. In particular, the EU legislation only authorizes the use of sweeteners in products that are either “*energy-reduced*” or “*with no added sugars*” or in foods for particular nutritional uses (PARNUTS).

Accordingly, CEFS believes that the use of sweeteners should not be permitted in GSFA food category 11.4, which is neither “*energy-reduced*” nor “*with no added sugars*”. Blends of “*other sugars and syrups*” with sweeteners are covered by food category 11.6. The following sweeteners provisions **should therefore either be deleted or at least completed with footnote 161**:

Subcategory	Additives	Max Level (mg/kg)
11.4. Other sugars and syrups (e.g., xylose, maple syrup, sugar toppings)	Aspartame-Acesulfame (INS 962) Saccharin (INS 954) Sucralose (INS 955)	2250 mg/kg (step 3) 300 mg/kg (step 6) 1500 mg/kg (step 6) - Suppression -

ICA:

The ICA (International Confectionery Association) would like to bring to the attention of the Committee a discrepancy in the categorization of confections within the GSFA that could impact future trade of candy containing chocolate. Category 5.1.4 includes all confections that contain cocoa, chocolate, or cocoa-derived ingredients such as cocoa butter. This category also includes chocolates that conform to Codex Commodity Standard 87 and for which added colors are *not* permitted and other additives are controlled. However, colors in addition to many other additives are needed in many chocolate-containing confections that do not conform to Codex Commodity Standard 87. These include candy coated chocolates, chocolate coated sugar based candies, flavored cream filled chocolates, cocoa or chocolate based products that contain colored decorations or inclusions, and compound chocolates that contain more than 5% vegetable fat, all of which are actively traded today in the international marketplace.

The objectives of ICA are:

1.) to protect chocolate meeting the Codex Commodity Standard from containing added colors; and 2.) to allow other cocoa or chocolate containing confections within 5.1.4 to use the full range of colors and additives afforded to sugar confections in 5.2.

Members of ICA are eager to work with the CCFA to resolve this situation in a manner that promotes fair trade and that doesn’t involve re-opening the commodity standards for chocolate. In the meantime, until such a solution is found, we request that no actions be taken by the CCFA that would limit the level of colors or other additives in 5.1.4 or that would create a disparity in color or additive use between confections in 5.2 and 5.1.4.

IFMA:**1. General comment**

At first, IFMA-IMACE (International Federation International Margarine - Association of Margarine Associations of the Countries of Europe) is submitting the following general comment, regarding both reports and requests that it will be taken into account during the 40th Session of Codex Committee on Food Additives in Beijing 21-25 April 2008:

The Food Category System for the Codex General Standard for Food Additives (GSFA) is currently under revision and further to the adoption of the new Codex Standard for Fat Spreads and Blended Fat spreads (CODEX STAN 256-2007), the proposed simplification of the existing Food Category 02.2.1 and Food Category 02.2.2 would lead to only one single category 02.2.2 (Fat Spreads).

This simplification is only acceptable for IFMA-IMACE as far as it does not over-simplify the category of the products concerned, and as far as all food additives in Table 1 and 2 of the GSFA that are adopted in the new standard for Fat Spreads and Blended Fat Spreads remain available within the proposed new category 02.2.2 (Fat Spreads), at the maximum use level foreseen in that particular Standard.

Consequently in the reports of the electronic working group, the proposed footnotes that are linked to the current category 02.2.1 and its sub categories 02.2.1.2 and 02.2.1.3 as well as the current category 02.2.2 should be reformulated as follows:

CX/FA/40/6 proposes to revise the GSFA food category system. If endorsed by the CCFA, Food Categories 02.2.1 (Emulsions containing at least 80% fat) and its subcategories 02.2.1.1 (Butter and concentrated butter), 02.2.1.2 (Margarine and similar products) and 02.2.1.3 (Blends of butter and margarine) as well as Food Category 02.2.2 (Emulsions containing less than 80% fat) would be deleted and replaced by categories 02.2.1 (Butter) and 02.2.2 “Fat Spreads”

2. Specific comments GSFA Part 1 (CX/FA/40/5 Part 1)

IFMA-IMACE is submitting the following **specific** comments on the Report of the electronic Working Group on the **GSFA Part 1** and requests that they will be taken into account during the 40th Session of Codex Committee on Food Additives in Beijing 21-25 April 2008:

2.1 Regarding the proposals for acceptable maximum use levels for **Annatto extracts based on bixin or norbixin**, IFMA – IMACE indicates that, further to the recent discussions that took place at the 20th Session of the Codex Committee on Fats and Oils in February 2007 in London (see the CCFO Report – CL2007/8-FO), it appears that several countries are using the Annatto extracts as colours in the products of categories 02.2.1 and 02.2.2.

IFMA-IMACE supports the recommendation to include at step 3 the Annatto Extracts, Bixin-based, INS 160b (i) in the GSFA for current categories 02.2.1.2, 02.2.1.3, and 02.2.2, taking into account that those sub categories are proposed to be simplified and merged into the future single category 02.2.2.(Fat Spreads). Additionally, IFMA-IMACE request that its general comment, under paragraph 1, shall be taken into account.

2.2 IFMA-IMACE supports also the recommendation to include at step 3 the Annatto Extracts, Norbixin-based, INS 160b (ii) in the GSFA for the current category 02.2.2 (Emulsions containing less than 80% fat) taking into account that this sub category is proposed to be simplified and merged into the future single category 02.2.2 (Fat Spreads). Additionally, IFMA-IMACE requests that its general comment, under paragraph 1, shall be taken into account.

3. Specific comments on GSFA Part 2 (CX/FA/40/5 Part 2)

IFMA-IMACE is submitting the following **specific** comments on the Report of the electronic Working Group on the GSFA Part 2 and requests that they will be taken into account during the 40th Session of Codex Committee on Food Additives in Beijing 21-25 April 2008:

3.1 For **Carmines INS 120**, IFMA-IMACE supports the recommendation to adopt at step 3, a maximum level of **500mg/kg** for current categories 02.2.1.3 and 02.2.2, in the GSFA.

Additionally, IFMA-IMACE requests that its general comment under paragraph 1 shall be taken into account.

3.2 For **Caramel III INS 150(c)**, IFMA-IMACE supports the recommendation 3, provided that the proposed level of **500 mg/kg** applies for all products covered by the Codex Fat Spreads and Blended Spreads (CODEX STAN 256 – 2007) ie the proposed simplified category 02.2.2.

Additionally, IFMA-IMACE requests that its general comment under paragraph 1 shall be taken into account.

3.3 For **Carotenoids, (Synthetic Beta-carotene) INS 160a(i)**, IFMA-IMACE does not support the recommendation 3 for current categories and sub categories 02.2.1.2, 02.2.1.3, 02.2.2 but recommends CCFA to accept the maximum use level prescribed by the Standard for Fat Spreads and Blended Fat spreads (CODEX STAN 256 – 2007) that is **35mg/kg**.

In so far as this category and subcategories will most probably be simplified and merged into one single category 02.2.2, the differentiation is not relevant.

Additionally, IFMA-IMACE requests that its general comment under paragraph 1 shall be taken into account.

3.4 For **Carotenes, (Vegetable Beta carotene) - INS 160a(ii)**, IFMA-IMACE does not support the recommendation 3 for current categories and sub categories 02.2.1.2, 02.2.1.3, 02.2.2 but recommends CCFA to accept the maximum use level as prescribed by the Standard for Fat Spreads and Blended Fat spreads (CODEX STAN 256 – 2007) that is **1000mg/kg**. From a technological point of view it makes sense to have a higher inclusion level for vegetable beta carotene, compared to synthetic beta carotene, so as to achieve the same yellow colour in the finished product. Lower levels may be too low for margarines and blended spreads, because of them using fully refined oils & fats with lower initial colour levels.

Additionally, IFMA-IMACE requests that its general comment under paragraph 1 shall be taken into account.

In conclusion, IFMA-IMACE invites the CCFA to adapt the proposal, in order to guarantee for the new proposed food category 02.2.2 “Fat Spreads” not only to maintain the availability of all the food additives in Table 1 and 2 of GSFA that are adopted in the new Standard for Fat Spreads and Blended Fat Spreads but also to align the maximum use levels to those prescribed into the Standard for Fat Spreads and Blended Fat Spreads.

IFU:

First of all IFU (International Federation of Fruit Juice Producers) would like to compliment the Electronic Working Group on the GSFA chaired by United States of America for the preparation of Codex document CX/FA 08/40/5

On the basis of CX/FA 08/40/5 we would like to submit the following comments.

Name	INS	Food category	IFU comment
Lycopene	160	14.1.2	Discontinue work
		14.1.3.3	
		14.1.3.4	
Gum Arabic	414	14.1.2	Discontinue work
		14.1.3	
Caramel III	150c	14.1.3.2	Discontinue work
		14.1.3.4	
Caramel IV	150d	14.1.2.2	Discontinue work
		14.1.2.4	
		14.1.3.2	
Carotenoids	160a	14.1.3.2	Discontinue work
		14.1.3.4	
Carotenes	160a	14.1.2.2	Discontinue work
		14.1.2.4	
		14.1.3.2	
		14.1.3.4	

Name	INS	Food category	IFU comment
Grape Skin Ext.	163	14.1.3.2	Discontinue work
		14.1.3.4	
Iron Oxid	172	14.1.3.2	Discontinue work
		14.1.3.4	
Riboflavin	101	14.1.3.2	Discontinue work
		14.1.3.4	
Sunset Yellow	110	14.1.2.2	Discontinue work

The reason for discontinuing with work on the above mentioned substances is that no technological use is needed for food categories 14.1.2. (fruit and vegetable juices), 14.1.3.3. (concentrate – liquid or solid – for fruit nectar), 14.1.3.4. (concentrate – liquid or solid – for vegetable nectar), 14.1.3. (fruit and vegetable nectars), 14.1.3.2. (vegetable nectar), 14.1.2.2. (vegetable juice) and 14.1.2.4. (concentrates for vegetable juice).