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CODEX COMMITTEE ON FOOD ADDITIVES

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PROPOSED DRAFT REVISION OF THE FOOD CATEGORY SYSTEM (FOOD CATEGORIES 5.1, 5.2 AND 5.4)

(N07-2010)

(At Step 3 of the Procedure)

(Prepared by the United States of America, with the assistance of Argentina, Brazil, China, Costa Rica, Egypt, European Union, France, Hungary, Japan, Lebanon, Malaysia, Norway, CIAA, EFLA, ICA, ICGA, ICGMA, and Marinalg)

Governments and international organizations in Observer status with the Codex Alimentarius Commission wishing to submit comments at Step 3 on the Proposed draft revision of the Food Category System (food categories 5.1, 5.2 and 5.4) (*see* Annex 1) are invited to do so **no later than 31 January 2011** as follows: Secretariat, Codex Committee on Food Additives, National Institute of Nutrition and Food Safety, China CDC, 7 Panjiayuan Nanli, Chaoyang District, Beijing 100021, China (Telefax: + 86 10 67711813, E-mail: secretariat@ccfa.cc *preferably*), with a copy to the Secretariat, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, Viale delle Terme di Caracalla, 00153 Rome, Italy (Telefax: +39 06 5705 4593; E-mail: Codex@fao.org - *preferably*).

REPORT OF THE ELECTRONIC WORKING GROUP

INTRODUCTION

1. The 40th Session of the Codex Committee on Food Additives (CCFA) discussed the scope of certain food categories of the *General Standard for Food Additives* (GSFA). The Committee noted the need to clarify the nature of the products included in food category 05.1 (Cocoa products and chocolate products including imitations and chocolate substitutes) and related sub-categories, and agreed to establish an electronic Working Group (eWG) to prepare a discussion paper that would fully describe and contain proposals to address this issue for consideration at the 41st Session.¹
2. The eWG identified two issues regarding the descriptors of food category 05.1 and its sub-categories:²
 - Clarification of the appropriate food categories for certain cocoa- and chocolate-containing confectionery, such as cocoa-containing hard and soft candies, “compound chocolate” and “compound chocolate coating” products, and coatings (sugar-based or chocolate-based) for confectionery.
 - Clarification of the appropriate food category for products that contain chocolate and other ingredients (e.g., chocolate-enrobed crèmes, caramels, and jelly-based centres, chocolate covered in a sugar-based “shell,” chocolate products with coloured decorations, and chocolate containing nuts and fruit as integral ingredients) that are currently included under food category 05.1.4 (Cocoa and chocolate products).

¹ ALINORM 08/31/12, para. 73

² CX/FA 09/341/13, para. 19

The eWG proposed revisions to the descriptors of certain sub-categories under food categories 05.1 and 05.2 (Confectionery including hard and soft candy, nougats, etc. other than food categories 05.1, 05.3, and 05.4) to address these issues.³

3. The 41st Session of the Committee agreed, in principle, to the need to revise certain food categories under the broad food category 05.0 (Confectionery). The Committee had before it a project document that proposed the revision of these food categories as new work.⁴ The Committee agreed to request comments on this project document in order to facilitate consideration of the proposal at its next session.⁵

4. The 42nd Session of the Committee considered the project document,⁴ and amended the “Purpose and Scope” section to clarify that the scope of work related only to the revision of food categories 05.1 (Cocoa products and chocolate products including imitations and chocolate substitutes), 05.2 (Confectionery including hard and soft candy, nougats, etc. other than food categories 05.1, 05.3, and 05.4), and 05.4 (Decorations (e.g., for fine bakery wares), toppings (non-fruit) and sweet sauces). The Committee agreed to forward the revised project document⁶ to the 33rd Session of the Commission for approval as new work.⁷ The Committee also agreed to establish an eWG, led by the United States of America, and working in English only, to prepare a proposal for the revision of these food categories, including an analysis of the possible impact on the food additive provisions in the GSFA, for circulation for comments at Step 3 and consideration at its 43rd Session.⁸

BACKGROUND

5. The food category system (FCS) of the GSFA is contained in Annex B of the standard (CODEX STAN 192-1995). The FCS is intended as a tool for simplifying reporting of food additive uses for assembling and constructing the GSFA. The FCS is based on the following principles: (1) the similarity of food consumption patterns (i.e., food that is consumed in a similar way or similar quantities); (2) the similarity of food processing (e.g., heat treatment, canning, freezing, drying); and (3) food technology needs. The food category titles and descriptors are not intended for labelling purposes.⁹

6. Annex B of the GSFA includes the food category title and a brief descriptor for each food category. The descriptor defines the scope of the food category and provides examples of the foods that are included in the category. The current titles and descriptors for the complete confectionery food category (05.0) are provided in the Appendix.

7. A clear description of the scope of each food category is essential for appropriate interpretation of the GSFA. Several uncertainties in the current description of food categories 05.1, 05.2, and 05.4 have been identified by the committee for clarification.

- The current descriptors of food category 05.1 and its sub-categories are unclear with respect to certain cocoa-and chocolate-containing confectionery. In particular, “compound chocolate” and “compound chocolate coating” products. “Compound chocolate” and “compound chocolate coatings” may contain chocolate liquor, cocoa, and greater than 5% vegetable fat (other than cocoa butter), and are used and consumed in a similar way as chocolate. These products are not within the scope of “chocolate” as defined in the *Codex Standard for Chocolate and Chocolate Products* (CODEX STAN 87-1981), and the current descriptor of food category 05.1.5 (Imitation chocolate, chocolate substitute products) does not include these products.
- The current descriptors of food category 05.2 and its sub-categories do not include cocoa-containing confectionery (e.g., cocoa-containing lozenges, cocoa-containing caramel).
- The current descriptor of food category 05.4 includes sugar- and chocolate-based coatings for confectionery. Unlike certain coatings for baked goods (e.g., icing for cakes and cookies) that are also

³ CX/FA 09/41/13, paras. 20-27

⁴ Project document prepared by the International Confectionery Association (ICA). CRD 21 and reproduced in ALINORM 09/32/12, Appendix X

⁵ ALINORM 09/32/12, paras. 150-151

⁶ ALINORM 10/33/12, Appendix VII

⁷ ALINORM 10/33/REP, para. 79 and Appendix VI

⁸ ALINORM 10/33/12, paras. 88-89.

⁹ Preamble to the *General Standard for Food Additives* (CODEX STAN 192-1995), Section 5 – Food Category System.

included under food category 05.4, sugar- and chocolate-based coatings for confectionery are not consumed as such (i.e., they are sold or consumed only as a component of confectionery, such as a chocolate with a hard sugar “shell” or a chocolate-enrobed crème). Sugar- and chocolate-based coatings for confectionery are not included in food category 05.4

8. The FCS is intended to include both standardized (i.e., subject to a Codex commodity standard) and non-standardized foods. Currently, there are Codex commodity standards that are included within the scopes of food categories 05.1.1 (Cocoa mixes (powders) and cocoa mass/cake), 05.1.3 (Cocoa-based spreads, including fillings), and 05.1.4 (Cocoa and chocolate products).¹⁰ These standards should also be taken into consideration in revising of the FCS.

PROPOSAL

9. In order to address the above issues, revisions to the descriptors of the following food categories are proposed in Annex 1 to this document.

10. The proposed changes to the descriptors for the confectionery food categories 05.0, 05.1.4, 05.1.5, 05.2, 05.2.1, 05.2.2, 05.2.3, and 05.4 (see Annex 1) have consequential effects on the descriptors of other food categories that refer to the confectionery food categories whose descriptor has been revised. The descriptor of food category 15.2 (Processed nuts, including coated nuts and nut mixtures (with e.g., dried fruit)) currently references chocolate-covered nuts in food category 05.1.4. However, as a result of the clarification of the scope of food category 05.1.5 (Imitation chocolate, chocolate substitute products), nuts covered in imitation chocolate are specifically mentioned in the descriptor of 05.1.5. For clarity, it is proposed that the descriptor of 15.2 be revised as follows to include such imitation chocolate-covered nut products.

CONSEQUENTIAL EFFECTS ON GSFA PROVISIONS

11. The proposed changes to the descriptors (paras. 9 and 10) simply clarify the scope of certain food categories and are not intended to change the scope of these food categories or change the existing hierarchical structure of the confectionery category (05.0). Therefore, there are no consequential effects on the current food additive provisions in the GSFA in these food categories (i.e., 05.0, 05.1.4, 05.1.5, 05.2, 05.2.1, 05.2.2, 05.4 and 15.2).

12. The Committee is encouraged, as part of its routine review of the food additive provisions in the GSFA, to refer to the revised scopes food categories 05.0, 05.1.4, 05.1.5, 05.2, 05.2.1, 05.2.2, 05.4 and 15.2, and propose any necessary changes to the current draft and proposed draft provisions based on the understanding of the revised scopes of the affected food categories.

13. The GSFA contains Note 183 (“Products conforming to the Standard for Chocolate and Chocolate Products (CODEX STAN 87-1981) may only use colour for surface decoration.”)¹¹ that is associated with the colour additive provisions in food category 05.1.4. At its 41st Session, the Committee was requested to consider whether a revised Note 183 or a new Note (that would replace Note 183), which would take into account food additive functional classes other than colours that are used in chocolate products included in the scope of food category 05.1.4, was more appropriate.¹² However, the Committee made no decision at that time. It is **recommended** that Note 183 be retained and evaluated on a case-by-case basis as part of the Committee’s routine review of the food additive provisions in food category 05.1.4 (para. 12), taking into account the proposal to clarify the scope of this food category (para. 9).

¹⁰ The Standards for Cocoa (Cacao) Mass (Cocoa/Chocolate Liqueur) and Cocoa Cake (CODEX STAN 141-1983) and for Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars (CODEX STAN 105-1981) are included under food category 05.1.1; the Standard for Cocoa Butter (CODEX STAN 86-1981) is included under food category 05.1.3; and the Standard for Chocolate and Chocolate Products (CODEX STAN 87-1981) is included under food category 05.1.4.

¹¹ ALINORM 08/31/12, para. 65.

¹² CX/FA 09/41/13, para. 27. The discussion document proposed a Revised Note 183 (“Food additives may be used in finished products or in ingredients thereof that do not conform to the Codex Standard for Chocolate and Chocolate Products (CODEX STAN 87-1981), with the exception of colours that may be used for the surface decoration of chocolate.”) and a New Note (“Additives may be used in components of the finished product that do not conform to the Codex Standard for Chocolate and Chocolate Products (CODEX STAN 87-1981).”)

Annex 1**PROPOSED DRAFT REVISION OF THE FOOD CATEGORY SYSTEM****(Food categories 5.1, 5.2 and 5.4)****N07-2010**

(at Step 3 of the Procedure)

*Recommended new text is indicated in **bold** and recommended deleted text is indicated in ~~strikethrough~~.*

05.0 Confectionery: Includes all cocoa and chocolate products (05.1), other confectionery products **that may or may not contain cocoa** (05.2), chewing gum (05.3), and decorations and icings (05.4), **or foods produced solely with any combination of foods conforming to these sub-categories.**

05.1.4 Cocoa and chocolate products: Chocolate is produced from cocoa nibs, mass, press cake, powder, or liquor with or without addition of sugar, cocoa butter, aroma or flavouring substances, and optional ingredients (e.g., nuts).¹³ **This category is for chocolate as defined in the Codex Standard for Chocolate and Chocolate Products (CODEX STAN 87-1981), and for confectionery that uses chocolate that meets the standard and may contain other ingredients, for example** ~~includes chocolate-covered nuts and fruit (e.g., raisins). but does not include yoghurt, cereal, and honey-covered nuts (category 15.2).~~ **This category includes only the chocolate portion of any confectionery within the scope of food category 05.2.** Examples include: bonbons, cocoa butter confectionery (composed of cocoa butter, milk solids and sugar), white chocolate, chocolate chips (e.g., for baking), milk chocolate, cream chocolate, sweet chocolate, bitter chocolate, **enrobing chocolate, chocolate covered in a sugar-based “shell” or with coloured decorations,** filled chocolate (chocolate with a texturally distinct center and external coating, excluding flour confectionery and pastry products of categories 07.2.1 and 07.2.2), and composite chocolate (chocolate with added edible **ingredients** ~~substances excluding flour starch and fat, unless expressly permitted~~).¹⁴ **This category does not include yoghurt-, cereal-, and honey-covered nuts (category 15.2).**

05.1.5 Imitation chocolate, chocolate substitute products: Includes chocolate-like products that ~~are not~~ **may or may not be** cocoa-based, but have ~~some~~ **what** similar organoleptic properties **as chocolate, such as** ~~Examples include:~~ **carob chips, and cocoa-based products that contain greater than 5% vegetable fat (other than cocoa butter) that are excluded from the scope of the Codex Standard for Chocolate and Chocolate Products (CODEX STAN 87-1981).** These chocolate-like products may contain additional optional ingredients and may include filled confectionery. Examples include: compound chocolate, flavoured and coloured compound chocolate, compound chocolate coatings, and imitation chocolate-covered nuts and fruit (e.g., raisins). **This category includes only the chocolate-like portion of any confectionery within the scope of food category 05.2.**

05.2 Confectionery including hard and soft candy, nougats, etc. other than food categories 05.1, 05.3, and 05.4: Includes all types of products that primarily contain sugar and their dietetic counterparts manufactured with nutritive or non-nutritive high-intensity sweeteners **and may or may not contain cocoa.** Includes hard candy (05.2.1), soft candy (05.2.2), and nougats and marzipans (05.2.3).

05.2.1 Hard candy: Products made from water and sugar (simple syrup) **or sweeteners (nutritive or non-nutritive),** colour and flavour that may or may not have a filling, **and products that may or may not contain cocoa.** Includes: pastilles and lozenges (rolled, shaped and filled ~~sugar-based~~ **sweetened** candy).¹⁵

05.2.2 Soft candy: Products include soft, chewy ~~sugar-based~~ products such as caramels (containing sugar syrup **or sweeteners (nutritive and non-nutritive),** fats, colour and flavour); **products that may or may not contain cocoa (e.g., toffees and chocolate-flavoured caramels);** jelly-based candies (e.g., jelly beans, jellied fruit paste covered in sugar, made from sugar **or sweeteners (nutritive or non-nutritive),** gelatin,

¹³ *Food Chemistry*, H.-D. Belitz & W. Grosch, Springer-Verlag, Heidelberg, 1987, pp. 708-711.

¹⁴ *Codex Standard for Chocolate and Chocolate Products* (CODEX STAN 87-1981).

¹⁵ *Food Chemistry*, H.-D. Belitz & W. Grosch, Springer-Verlag, Heidelberg, 1987, pp. 634-636.

pectin, colour and flavour); and licorice.¹⁵ Also included are Oriental specialties, such as sweet bean jelly (*yokan*) and agar jelly for *mitsumame*.

05.2.3 Nougats and marzipans: Nougats consist of roasted ground nuts, sugar **or sweeteners (nutritive or non-nutritive)**, cocoa that may be consumed as is, or may be used as a filling for chocolate products. Marzipan is ~~a confection consisting~~ **consists** of almond paste and sugar **or sweeteners (nutritive or non-nutritive)**, that may be shaped and coloured for direct consumption, or may be used as a filling for chocolate products.¹⁵

05.4 Decorations (e.g., for fine bakery wares), toppings (non-fruit) and sweet sauces: Includes ready-to-eat icings and frostings for cakes, cookies, pies and bread and flour confectionery, as well as mixes for these products. Also includes sugar- and chocolate-based coatings for ~~candy, confections and baked goods, such as chocolate coatings for bonbons and nougat candy, and sugar coatings for pastilles.~~ Sweet sauces and toppings include butterscotch sauce for use, e.g., on ice cream ~~sundaes~~. These sweet sauces are different than the syrups (e.g., maple, caramel, and flavoured syrups for fine bakery wares **and** ices) included in category 11.4. Fruit-based toppings are included in 04.1.2.8. Chocolate sauce is included in 05.1.2.

15.2 Processed nuts, including coated nuts and nut mixtures (with e.g., dried fruit): Includes all types of whole nuts processed by, e.g., dry-roasting, roasting, marinating or boiling, either in-shell or shelled, salted or unsalted. Yoghurt-, cereal-, and honey-covered nuts, and dried fruit-nut-and-cereal snacks (e.g., “trail mixes”) are classified here. Chocolate-covered nuts are classified in 05.1.4, **and nuts covered in imitation chocolate are included in 05.1.5.**

Appendix

Titles and Descriptors for the Confectionery Food Category (CODEX STAN 192-1995)

The titles and descriptors of the confectionery food category that are included in this discussion paper are provided below.

05.0 Confectionery:

Includes all cocoa and chocolate products (05.1), other confectionery products (05.2), chewing gum (05.3) and decorations and icings (05.4).

05.1 Cocoa products and chocolate products including imitations and chocolate substitutes:

This category is divided to reflect the variety of standardized and non-standardized cocoa- and chocolate-based products.

05.1.1 Cocoa mixes (powders) and cocoa mass/cake:

Includes a variety of products that are used in the manufacture of other chocolate products or in the preparation of cocoa-based beverages. Most cocoa products have their origin in the cocoa nib, which is obtained from cocoa beans that have been cleaned and freed from the shells. Cocoa mass is obtained from the mechanical disintegration of the nib. Depending on the desired finished chocolate product, the cocoa nib or mass may be treated by an alkalization process that mellows the flavour. Cocoa dust is the fraction of the cocoa bean produced as a product during winnowing and degerming. Cocoa powder is produced by reducing the fat content of cocoa mass or liquor by pressing (including expeller pressing) and molding into a cocoa press cake. The cocoa press cake is disintegrated and ground to cocoa powder. Cocoa liquor is a homogeneous flowing paste produced from the cocoa nib, which has been roasted, dried, disintegrated and milled. Cocoa-sugar mixtures contain only cocoa powder and sugar. Chocolate powder for beverages is made from cocoa liquor or cocoa powder and sugar to which flavouring (e.g., vanillin) may be added.^{16, 17} Examples include: drinking chocolate powder; breakfast cocoa; cocoa dust (fines), nibs, mass, press cake; chocolate liquor; cocoa mixes (powders for preparing the hot beverage); cocoa-sugar mixture; and dry mixes for sugar-cocoa confectionery. Finished cocoa beverages and chocolate milk are included in category 01.1.2, and most finished chocolate products are included in category 05.1.4.

05.1.2 Cocoa mixes (syrops):

Products that may be produced by adding a bacterial amylase to cocoa liquor. The enzyme prevents the syrup from thickening or setting by solubilizing and dextrinizing cocoa starch. Includes products such as chocolate syrup used to prepare chocolate milk or hot chocolate.¹⁷ Chocolate syrup differs from fudge sauce (e.g., for ice cream sundaes), which is found in category 05.4.

05.1.3 Cocoa-based spreads, including fillings:

Products in which cocoa is mixed with other ingredients (usually fat-based) to prepare a spreadable paste that is used as a spread for bread or as a filling for fine bakery wares. Examples include: cocoa butter,¹⁸ fillings for bonbons and chocolates, chocolate pie filling, and nut-chocolate based spreads for bread (*Nutella*-type product).

05.1.4 Cocoa and chocolate products:

Chocolate is produced from cocoa nibs, mass, press cake, powder, or liquor with or without addition of sugar, cocoa butter, aroma or flavouring substances, and optional ingredients (e.g., nuts).¹⁷ Includes chocolate-covered nuts and fruit (e.g., raisins), but does not include yoghurt-, cereal-, and honey-covered nuts (category 15.2). Examples include: bonbons, cocoa butter confectionery (composed of cocoa butter, milk solids and sugar), white chocolate, chocolate chips (e.g., for baking), milk chocolate, cream chocolate, sweet chocolate, bitter chocolate, filled chocolate (chocolate with a texturally distinct center and external coating, excluding flour confectionery and pastry products of categories 07.2.1 and 07.2.2), and composite

¹⁶ Codex Standard for Cocoa Powders (Cocoa) and Dry Mixtures of Cocoa and Sugar (CODEX STAN 105-1981); Codex Standard for Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake (CODEX STAN 141-1981)

¹⁷ Food Chemistry, H.-D. Belitz & W. Grosch, Springer-Verlag, Heidelberg, 1987, pp. 708-711

¹⁸ Codex Standard for Cocoa Butters (CODEX STAN 86-1981)

chocolate (chocolate with added edible substances excluding flour starch and fat, unless expressly permitted).¹⁹

05.1.5 Imitation chocolate, chocolate substitute products:

Includes chocolate-like products that are not cocoa-based but have somewhat similar organoleptic properties. Examples include: carob chips.

05.2 Confectionery including hard and soft candy, nougats, etc. other than food categories 05.1, 05.3, and 05.4:

Includes all types of products that primarily contain sugar and their dietetic counterparts manufactured with nutritive or non-nutritive high-intensity sweeteners. Includes hard candy (05.2.1), soft candy (05.2.2), and nougats and marzipans (05.2.3).

05.2.1 Hard candy:

Products made from water and sugar (simple syrup), colour and flavour that may or may not have a filling. Includes: pastilles and lozenges (rolled, shaped and filled sugar-based candy).²⁰

05.2.2 Soft candy:

Products include soft, chewy sugar-based products such as caramels (containing sugar syrup, fats, colour and flavour); jelly-based candies (e.g., jelly beans, jellied fruit paste covered in sugar, made from sugar, gelatin, pectin, colour and flavour); and licorice.²⁰ Also included are Oriental specialties, such as sweet bean jelly (*yokan*) and agar jelly for *mitsumame*.

05.2.3 Nougats and marzipans:

Nougats consist of roasted ground nuts, sugar, cocoa that may be consumed as is, or may be used as a filling for chocolate products. Marzipan is a confection consisting of almond paste and sugar, that may be shaped and coloured for direct consumption, or may be used as a filling for chocolate products.²⁰

05.3 Chewing gum:

Product made from natural or synthetic gum base containing flavours, sweeteners (nutritive or non-nutritive), aroma compounds, and other additives.²⁰ Includes bubble gum and breath-freshener gum products.

05.4 Decorations (e.g., for fine bakery wares), toppings (non-fruit) and sweet sauces:

Includes ready-to-eat icings and frostings for cakes, cookies, pies and bread and flour confectionery, as well as mixes for these products. Also includes sugar- and chocolate-based coatings for candy, confections and baked goods, such as chocolate coatings for bonbons and nougat candy, and sugar coatings for pastilles. Sweet sauces and toppings include butterscotch sauce for use, e.g., on ice cream sundaes. These sweet sauces are different than the syrups (e.g., maple, caramel, and flavoured syrups for fine bakery wares ices) included in category 11.4. Fruit-based toppings are included in 04.1.2.8. Chocolate sauce is included in 05.1.2.

¹⁹ Codex Standard for Chocolate and Chocolate Products (CODEX STAN 87-1981)

²⁰ *Food Chemistry*, H.-D. Belitz & W. Grosch, Springer-Verlag, Heidelberg, 1987, pp. 634-636