



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEx COMMITTEE ON FOOD ADDITIVES

#### Forty-Sixth Session

Hong Kong, China, 17-21 March 2014

### DISCUSSION PAPER ON USE OF NOTE 161 IN PROVISIONS FOR SELECTED SWEETENERS

(prepared by an electronic Working Group led by United Kingdom)

1. The development and use of Note 161 has been discussed a number of times over recent years at the Codex Committee on Food Additives (CCFA). The history of CCFA discussions on Note 161 is presented in Annex A.
2. The 45<sup>th</sup> CCFA agreed to establish an electronic working group (eWG), led by the United Kingdom and assisted by the United States of America (USA), to identify concerns regarding the provisions with Note 161 attached to them as contained in the compilation document on the use of sweeteners in specific food categories (Appendix 8 of CRD 2), as well as the reasons for these concerns. Information provided to the eWG, would be used, in conjunction with the principles set out in Section 3.2 of the Preamble of the GSFA, to explore the use of alternative note(s) or other approaches that could address the concerns which have resulted in the application of Note 161, or to demonstrate that Note 161 is no longer needed for the particular provision. The eWG could make recommendations in relation to proposed new sweetener provisions, those in the Step procedure, and adopted provisions, associated with Note 161, as listed in Appendix 8 of CRD 2, subject to the submission of relevant data as per Section 3.2 of the Preamble (REP13/FA, paras 144-153).
3. The following countries and organisations were members of the eWG: Argentina, Australia, Austria, Belgium, Benin, Brazil, Chile, Costa Rica, Denmark, European Union (EU), France, Ghana, Hungary, India, Iran, Ireland, Japan, Malaysia, Mexico, Netherlands, New Zealand, Norway, Peru, Republic of Korea, Russia, South Africa, Spain, Thailand, USA and Uruguay. Calorie Control Council (CCC), Comité Européen des Fabricants de Sucre (CEFS), European Chemical Industry Council (CEFIC), International Association of Color Manufacturers (ICMA), International Alliance of Dietary/Food Supplement Associations (IADSA), International Council of Beverage Associations (ICBA), International Chewing Gum Association (ICGA), International Council of Grocery Manufacturers Associations (ICGMA), International Food Additives Council (IFAC), International Organisation of Wine and Vine (OIV), International Sweeteners Association (ISA), the Natural Food Colours Association (NATCOL) and the World Trade Organisation (WTO). In responding to the working group, the EU coordinated the views of its 28 Member States.
4. Two rounds of consultation were undertaken within the working group. In the first round, to better understand why Note 161 had been used in the relevant sweetener provisions, members of the eWG were asked to give their views on how the use of sweeteners in the 52 different food categories is consistent with section 3.2 of the Preamble focusing on technological function, misleading the consumer, advantage and safety<sup>1</sup>. Subsequently a second document was circulated describing the main themes identified by participants in the first round, and proposing options going forward<sup>2</sup>.
5. The main themes which emerged from the first circular were:
  - For a significant number of food categories there were differences of opinion as to the extent to which the use of sweeteners needed to be linked with energy reduction of the products;
  - For just one food category there was a difference of opinion as to whether there was a problem with exposure to one of the sweeteners;

<sup>1</sup> Respondents to the first circular: Argentina, Brazil, Costa Rica, EU, India, Iran, Japan, Malaysia, Norway, Benin, Russia, Thailand, USA, CCC, CEFS, ICBA, ICGA, ICGMA, ISA.

<sup>2</sup> Respondents to the second circular: Australia, Brazil, Costa Rica, EU, India, Iran, Japan South Africa, Malaysia, Mexico, Netherlands, New Zealand, Norway, Thailand, USA, CCC, CEFS, ICBA, ICGA, ICGMA, ISA.

- For a small number of food categories participants considered use of sweeteners might be technologically justified, but in a narrower range of products than the complete food category;
- For a number of food categories a significant number of participants queried the technological justification for the use of sweeteners, considered there was no technological justification, or there are other means which are economically and technologically practicable;
- For a number of food categories there were differences of opinion about the technological justification and further discussion is required.

### **Overall compilation of food categories considered (Annexes B and C)**

6. Annex B is a compilation of all the food categories considered in this exercise. It shows the proposal put to the working group in the second circular, as well as the views expressed by participants in relation to the proposal, and the summary view of the eWG Chair on the position reached for each food category.

7. A number of eWG participants referred to the provisions or restrictions on the use of sweeteners contained in commodity standards. Where relevant, Annex B shows relevant information regarding the provisions in commodity standards.

8. Inherent in the remit given to the working group, and its discussion, has been the horizontal approach i.e. that, whilst aspartame-acesulfame salt does not have Note 161 associated with it, changes may be made to the relevant provisions to ensure consistency among the provisions for the three sweeteners.

9. Annex C summarises the food categories with the summary view of the eWG Chair on the position reached for each food category. For those food categories where there appeared to be agreement that use of sweeteners was justified in a narrower range of products than the complete food category, the alternative Note proposed is also included.

### **Food categories where there were differences of opinion as to the extent to which the use of sweeteners needed to be linked with energy reduction of the products**

10. For many of the food categories considered by the eWG there was general agreement on the technological justification for use of the sweeteners. However there was a clear divergence of view on whether use should be limited to foods with a significant reduction in calories. Some participants consider the advantage of using sweeteners is to produce lower calorie foods, and that consumers will not be misled by their presence because they will be declared on the food label. Other participants consider the use of sweeteners only provides an advantage if there is a significant reduction in calories from their use, and that if there is not a significant reduction then consumers can be misled by seeing the sweetener declared on the label but not having the reduction in calories they expect.

11. A number of options for an alternative Note X to replace Note 161 in this group of products were discussed by the eWG and participants were also invited to put forward other possible solutions. There was significant support for two of the options, though this tended to be mutually exclusive; those supporting one option opposed the other, and vice-versa. Another two options proposed by participants appear to the Chair of the eWG to offer slightly different options for a possible way forward. These four options are:

Option 1: *“To replace sugar wholly or partly, or in products where no sugar is added during manufacture.”*

Option 2: *“Limited to products in which there is a significant reduction in energy from the use of the sweetener, or where no sugar is added during manufacturing.”*

Option 3: *“For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997.”*

Option 4: *“Products are energy reduced or with no added sugar”* (i.e. to use existing Note 145).

12. Variations to these four main options are; to replace ‘sugar’ with ‘sucrose’; to replace ‘sugar’ with ‘sugars’; to replace ‘products’ with ‘food’. It should be noted that the ‘non addition of sugars’ is defined in CAC/GL 23-1997 and for this purpose all sugars are encompassed, including ingredients containing sugars, as these would all contribute to the energy value of the food.

13. In Annex B, where it says that countries and organisations support Note X, it should be understood that most support Note X to the extent that the option chosen meets their preferences.

**Recommendation 1:** That CCFA discuss the four options in paragraph 11 with a view to gaining agreement on the wording of a Note X to replace Note 161 in this group of food categories.

**Recommendation 2:** If CCFA agrees a wording for Note X, that CCFA agree the replacement of Note 161 by Note X in the food categories in List 1 of Annex C.

**Food category where there was a difference of opinion as to whether there was a problem with exposure**

14. Some participants raised intake/exposure concerns regarding acesulfame-K, particularly the potential exposure from soft drinks falling under category 14.1.4 (and sub categories 14.1.4.1 and 14.1.4.2). In response to this concern, some participants referred to the paper by Andrew G. Renwick (2006) entitled “The intake of intense sweeteners – an update review”<sup>3</sup>, stating that this paper did not indicate concerns over the ADI for acesulfame-K being exceeded by any sub-population. Japan, EU, Australia/New Zealand and the USA provided detailed intake assessments. The essence of the debate is illustrated by the table below which shows exposure values for children who are high-level consumers. The figures in the table have been derived from publically available data and information provided by participants.

	Age of children	95 <sup>th</sup> percentile dietary exposure Ace-K (mg/kg bw/day) <sup>4</sup>	% of JECFA ADI
EU	3- 9 years old	4.0 - 19.4	27-129
USA	2 – 5 years old	9.1	61
USA	6 – 12 years old	6.3	42

**Recommendation 3:** **A)** Members or Member Organisations which consider there is a specific exposure issue for their populations make a reservation concerning this entry in the GSFA and, if they choose, ask for inclusion of the issue on JECFA’s priority list. **B)** This food category should be considered alongside those where Note 161 is being considered for replacement by Note X.

**Other groups of food categories**

15. For some of the food categories in Annex B, the overall conclusion of the eWG Chair is there is broad support for discontinuation of the provision. The term ‘discontinuation’ has been used as a short-hand and should be understood to mean that depending on the status of the provision in the GSFA, there is broad support for discontinuing progress of the provision through the step system, or for revoking an adopted provision in the GSFA. At this stage the working group has focused on the goal to be achieved, rather than the detailed status of each such provision.

**Recommendation 4:** That CCFA agree to replace Note 161 in those food categories in List 2 of Annex C by the more specific Notes shown in that list.

**Recommendation 5:** That CCFA agree to discontinue/revoke provisions for the use of the three sweeteners in the food categories in List 3.

**Recommendation 6:** That CCFA further discuss the provisions for the use of the three sweeteners in the food categories in List 4

**Recommendation 7:** As the use level for the aspartame-acesulfame salt is related to that for either aspartame or acesulfame potassium, whichever is lower, it is recommended that CCFA should check the use levels to ensure consistency in the use levels for all three of these additives.

<sup>3</sup> Andrew G. Renwick (2006) The intake of intense sweeteners – an update review, Food Additives & Contaminants, 23:4, 327-338

<sup>4</sup> Based on all soft drink consumed being sweetened at the maximum level of 600 mg/kg. The ICBA reported actual use levels generally are close to or below 500 mg/kg in Category 14.1.4, but they noted that some countries permitted higher maximum levels

**Annex A: HISTORY OF THE USE OF NOTE 161**

1. Note 161 was first used at the 39<sup>th</sup> Session of the Codex Committee on Food Additives (CCFA) when a lengthy discussion resulted in a compromise on a new note that could be associated with certain sweetener provisions. The agreed text was:

*"Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble".*

2. The intent of the note, which could be associated with sweetener provisions, was to make clear that national authorities could require further restrictions within their jurisdictions on the use of sweeteners to ensure that the use of sweeteners would not mislead the consumer, has advantages, and is technologically justified. Parallels between the use of the note for sweeteners, and the situation for additives in general arising from regional or national differences in approach, were noted. (ALINORM 07/30/12, paras. 102 - 103)

3. During the 41<sup>st</sup> Session of the CCFA, the Committee agreed that the use of Note 161 should be limited as much as possible in order not to undermine the purpose of the General Standard for Food Additives (GSFA) to provide harmonised food additive provisions. However, the Committee also included Note 161 in provisions for the use of certain colours in various food categories. It was agreed that the note would, in principle, be applied only for particular colours in certain food categories. For other food categories the need for the note would be examined on a case-by-case basis. (ALINORM 09/32/12, paras. 87 – 89)

4. At subsequent sessions of the CCFA, it was clear that delegations were divided over the issue of Note 161. Some delegations thought it could create unjustified barriers to trade; some thought it should be revised to take into account different technological practices, climate, or other conditions and expectations of consumers around the world; some thought it should be applied on a case-by-case basis and only where proposals had the potential of not being in line with the criteria in Section 3.2 of the Preamble to the GSFA; and some thought criteria for the use of Note 161 should be established to avoid its overuse.

5. At the 42<sup>nd</sup> session of the CCFA, an electronic Working Group (eWG), led by the Netherlands, was established to prepare a discussion paper containing proposals for criteria and conditions of the use of Note 161. (ALINORM 10/33/12, paras. 70-75)

6. The 43<sup>rd</sup> Session of the CCFA considered the discussion paper prepared by the Netherlands but no conclusions were reached. There was a proposal to suspend the introduction of Note 161 in the GSFA; however, there was no consensus on this proposal. An eWG, led by South Africa, was established to formulate recommendations to facilitate a uniform implementation of Section 3.2 of the Preamble of the GSFA to address the use of Note 161. (REP11/FA, paras. 107-114).

7. The discussion paper prepared by South Africa for the 44<sup>th</sup> Session of the CCFA proposed two options for CCFA to consider. These were to:

- delete Note 161 from all provisions in the GSFA; or
- retain Note 161, either with the current text or revised text, and develop procedures and data/information requirements for the inclusion of Note 161 in the GSFA, and to agree that these procedures and requirements should limit the use of Note 161 as much as possible.

8. The Committee did not object to the reduction in the use of Note 161, but there was no consensus that the note should no longer be used or that it should be deleted from the GSFA. There was a proposal to establish an eWG to address the use of Note 161 in the provisions for sweeteners, both adopted and in the Step process, and to find a consistent alternative approach. However, the Committee could not reach consensus on the terms of reference for such a working group. (REP12/FA, paras. 116-130).

9. For the 45<sup>th</sup> Session of the CCFA, Australia prepared a discussion paper drawing on one of the terms of reference proposed for the eWG from the 44<sup>th</sup> Session: "To consider the applicability of replacing Note 161 in provisions for sweeteners where Note 161 is currently listed, with notes which further define the scope of the use of the food additive, or alternative approaches." In discussing this paper, many delegates expressed a preference for the option of replacing, if possible, Note 161 by other notes, and removing the reference to national legislation. Some delegates noted that all the criteria in Section 3.2 of the Preamble to the GSFA should be used to conduct such an exercise.

10. The CCFA agreed to establish an eWG, led by the United Kingdom and assisted by the United States of America, to identify concerns regarding the provisions with Note 161 attached to them as contained in the compilation document on the use of sweeteners in specific food categories, as well as the reasons for these concerns (Appendix 8 of CRD 2). Information should be provided to the eWG, which will be used, in conjunction with the principles set out in Section 3.2 of the Preamble of the GSFA, to explore the use of

alternative note(s) or other approaches that could address the concerns which have resulted in the application of Note 161, or to demonstrate that Note 161 is no longer needed for the particular provision. The eWG could make recommendations in relation to proposed new sweetener provisions, those in the Step procedure, and adopted provisions, associated with Note 161, as listed in Appendix 8 of CRD 2, subject to the submission of relevant data as per Section 3.2 of the Preamble (REP13/FA, paras. 144-153).

**Annex B: CONSIDERATION OF INDIVIDUAL FOOD CATEGORIES.**

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
01.1.2	Dairy-based drinks, flavoured and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)	<ul style="list-style-type: none"> <li>• Replace 161 with new note X</li> <li>• Further evidence on levels of use as a <u>flavour enhancer</u> and sub-categories in which this is technologically justified is requested, to support inclusion of an additional specific Note.</li> </ul>	<p>USA, EU Australia, New Zealand, Brazil, India Costa Rica, Thailand, Norway and CCC support proposal to replace Note 161 with Note X.</p> <p>(There was little discussion of flavour enhancer use.)</p>	<p>Broad support for new note X.</p> <p>CCFA may need to return to discussion of flavour enhancer use.</p>
01.3.2	Beverage whiteners	<ul style="list-style-type: none"> <li>• Limited use reported in non-standardised foods and inconsistent with Commodity Standards - Standard for a Blend of Evaporated Skimmed Milk and Vegetable Fat; and Standard for a Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat.</li> <li>• Further evidence justifying use in this category is requested, otherwise the category will be discontinued.</li> </ul>	<p>EU, Mexico, NZ, Australia and India support discontinuation</p> <p>USA propose a new note 'For use in non-standardised foods only.'</p> <p>Technological justification (ISA/CCC):</p> <p>Use in non-standardised beverages without carbohydrates. Using carbohydrates results in an undesired browning reaction.</p>	Broad support for discontinuation.
01.4.4	Cream analogues	<ul style="list-style-type: none"> <li>• Limited use reported by eWG.</li> <li>• Further evidence justifying use in this category is requested, otherwise the category will be discontinued.</li> </ul>	<p>EU, Brazil, Mexico and India support discontinuation</p> <p>USA proposes replacing Note 161 with new Note X.</p> <p>Technological justification (ISA/CCC):</p> <p>Use in this category allows for the manufacture of pre-sweetened cream analogues with no added carbohydrates, no added flavours and no other added foods.</p> <p>Aspartame is used in place of sugars to make low and reduced joule sweetened plain (unflavoured) dairy products.</p>	Broad support for discontinuation.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
01.5.2	Milk and cream powder analogues	<ul style="list-style-type: none"> <li>• Limited use reported by eWG.</li> <li>• Further evidence justifying use in this category is requested, otherwise the category will be discontinued.</li> </ul>	<p>EU, Mexico and India support discontinuation.</p> <p>USA proposes replacing Note 161 with new Note X.</p> <p>Technological justification (ISA/CCC):</p> <p>In cream powders with no added carbohydrates. Using carbohydrates results in an undesired browning reaction, impaired appearance and impaired value of proteins.</p>	Broad support for discontinuation.
01.6.1	Unripened cheese	<ul style="list-style-type: none"> <li>• Limited use reported by eWG. and inconsistent with Commodity Standards - Group Standard for Unripened Cheese including Fresh Cheese, Standard for Mozzarella, Standard for Cottage Cheese incl. Creamed Cottage Cheese, Standard for Cream Cheese and General Standard for Cheese)</li> <li>• Further evidence justifying use in this category is requested, otherwise the category will be discontinued.</li> </ul>	<p>EU, Brazil, Mexico and India support discontinuation</p> <p>USA proposes replacing Note 161 with new Note X, and proposes adding Note 201 ("For use in flavoured products only.") to the provisions for all three sweeteners for consistency.</p> <p>Technological justification (CCC):</p> <p>In some low fat cheeses, such as cottage cheese. Some of the low-fat flavoured versions require some sweetening.</p>	Broad support for discontinuation.
01.6.5	Cheese analogues	<ul style="list-style-type: none"> <li>• Limited use reported by eWG.</li> <li>• Further evidence justifying use in this category is requested, otherwise the category will be discontinued.</li> </ul>	<p>EU, Mexico and India support discontinuation</p> <p>USA proposes replacing Note 161 with new Note X.</p> <p>Technological justification (from ISA and CCC): Carbohydrates are degraded by lactic acid bacteria whereas artificial sweeteners are not.</p>	Broad support for discontinuation.
01.7	Dairy-based desserts (e.g., pudding, fruit or flavoured yoghurt)	<ul style="list-style-type: none"> <li>• Replace 161 with new note X</li> </ul>	USA, EU, Brazil, Australia, NZ, India, Thailand Norway, Costa Rica, Mexico, ISA and CCC proposal.	Broad support for new Note X.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
02.3	Fat emulsions mainly of type oil-in water, including mixed and/or flavoured products based on fat emulsions	<ul style="list-style-type: none"> <li>• Replace 161 with new note X</li> </ul>	<p>Japan, Australia, New Zealand, USA, Norway, Costa Rica, Thailand, Mexico, and ISA support proposal.</p> <p>The EU believes that sweeteners are not generally justified in the category. Apart from replacing 161 with new note X the provisions should be restricted to products in which the use of sweeteners would be justified.</p> <p>Technological justification (CCC):</p> <p>To allow manufacture of pre-sweetened, flavoured products, as this category includes products with added flavours. They have the same technological requirements as their dairy-based counterparts.</p>	Broad support for new Note X.
02.4	Fat-based desserts excluding dairy based dessert products of food category 01.7	<ul style="list-style-type: none"> <li>• Replace 161 with new note X</li> </ul>	USA, EU, Australia, NZ, Norway, Costa Rica, Thailand, Mexico, ISA and CCC support proposal	Broad support for new Note X.
03.0	Edible ices, including sherbet and sorbet	<ul style="list-style-type: none"> <li>• Replace 161 with new note X</li> </ul>	USA, EU, Japan, Brazil, Australia, New Zealand, India, Norway, Thailand, Costa Rica, Mexico, ISA and Calorie Control Council support proposal	Broad support for new Note X.
04.1.2.1	Frozen fruit	<ul style="list-style-type: none"> <li>• Discontinue this provision. No technological justification. No use reported by participant countries of eWG, and inconsistent with Commodity Standards - Standard for Quick Frozen Strawberries, Standard for Quick Frozen Raspberries, Standard for Quick Frozen Peaches, Standard for Quick Frozen Bilberries and Standard for Quick Frozen Blueberries)</li> </ul>	<p>EU, Norway, NZ, Australia, Brazil, India and Mexico support discontinuation.</p> <p>USA proposes new note 'for use in sweetened products with no added sugar only.' CCC support.</p> <p>Technological justification (CCC and ISA):</p> <p>State that sometimes fruits are pre-sweetened i.e. frozen fruit salad. Sugar is not necessary to safely preserve the fruit but is simply used to sweeten the product. Sweeteners can be used to provide low calorie alternatives.</p>	Broad support for discontinuation.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
04.1.2.2	Dried fruit	<ul style="list-style-type: none"> <li>Discontinue this provision. No technological justification. Limited use reported by participant countries of eWG, and inconsistent with commodity standards falling under this category which do not allow sweeteners - Standard for Raisins, Standard for Dried Apricots and Standard for Grated Desiccated Coconut.</li> </ul>	<p>EU, Norway, NZ, Australia India, Brazil and Mexico support discontinuation.</p> <p>USA proposes new note 'for use in sweetened products with no added sugar only'. CCC support.</p> <p>Technological justification (ISA):</p> <p>Dried fruits are sometimes pre-sweetened with sugar. Intense sweeteners allow production of pre-sweetened sugar-free products. Sweeteners are added to dried berries such as cranberries as they are very tart.</p>	Broad support for discontinuation.
04.1.2.3	Fruit in vinegar, oil, or brine	<ul style="list-style-type: none"> <li>Replace 161 with Note 144 (for use in sweet and sour products only).</li> </ul>	<p>USA, EU, Norway, Thailand, CCC and ISA support proposal.</p> <p>Japan: Remove Note 161. According to the Codex Standard for Pickled Fruits and Vegetables (CODEX STAN 260-2007), both Acesulfame potassium and Aspartame are permitted in pickled fruits. It should be noted that these sweeteners are not restricted to the products which are sweet and sour products.</p>	Broad support to replace with note 144.
04.1.2.4	Canned or bottled (pasteurized) fruit	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Brazil, Australia, New Zealand, Norway, Thailand, Costa Rica, Malaysia, Mexico, CCC and ISA support proposal.	Broad support for new note X.
04.1.2.5	Jams, jellies and marmelades	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, Brazil, Australia, New Zealand and India, Norway, Thailand, Costa Rica, Malaysia, Mexico, CCC and ISA support proposal.	Broad support for new note X.
04.1.2.6	Fruit-based spreads (e.g., chutney) excluding products of food category 04.1.2.5	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, Brazil, Australia, New Zealand, Norway, Thailand, Costa Rica, Malaysia, Mexico, CCC and ISA support proposal.	Broad support for new note X.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
04.1.2.7	Candied fruit	<ul style="list-style-type: none"> <li>Discontinue this provision (Technologically sugar is necessary for candied fruit and cannot be replaced by an intense sweetener.)</li> </ul>	<p>EU, Norway, NZ, Australia, Brazil, India and Mexico support discontinuation.</p> <p>USA proposes replacing note 161 with Note 68 'For use in products with no added sugar'.</p> <p>Japan suggest adopting a new note "For use in candied plums only". The use of intense sweeteners reduces the viscosity of the syrup, and thus, osmotic pressure due to substituting a part of sugar. And this lowered osmotic pressure helps to infiltrate the syrup into plums effectively in short period, resulting in soft texture without severe dehydration.</p> <p>The sweet taste derived with intense sweeteners in the fruit pulp achieves long-lasting taste.</p> <p>Technological justification:</p> <p>ISA and CCC: Candied fruit requires a bulk sweetener to get its rather firm texture. These sugar substitutes are less sweet and require the addition of intense sweeteners to bring the sweetness to the customary level.</p>	Broad support for discontinuation.
04.1.2.8	Fruit preparations, including pulp, purees, fruit toppings and coconut milk	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, Brazil, NZ, Australia, Costa Rica, Mexico, Thailand, Norway, the CCC and ISA support proposal.	Broad support for new note X.
04.1.2.9	Fruit-based desserts, including fruit flavoured water-based desserts	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, Brazil, Australia, New Zealand, Norway, Costa Rica, Mexico, Thailand, CCC and ISA support proposal.	Broad support for new note X.
04.1.2.10	Fermented fruit products	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, Australia, New Zealand, Norway, Costa Rica, Mexico, Thailand, CCC and ISA support proposal.	Broad support for new note X.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
04.1.2.11	Fruit fillings for pastries	<ul style="list-style-type: none"> <li>• Replace 161 with new note X</li> </ul>	USA, EU, Japan, Australia, New Zealand, Norway, Costa Rica, Mexico, Thailand, CCC and ISA support proposal.	Broad support for new note X.
04.1.2.12	Cooked fruit	<ul style="list-style-type: none"> <li>• Replace 161 with new note X</li> </ul>	<p>USA, Japan, Australia, Norway, NZ, Costa Rica, Mexico, Thailand, CCC and ISA support proposal.</p> <p>EU support proposal but also seek restriction to the products where use of sweeteners is technologically justified.</p>	Broad support for new note X.
4.2.2.1	Frozen vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds	<ul style="list-style-type: none"> <li>• Discontinue this provision. No technological justification. No use reported by participant countries of eWG, and inconsistent with Commodity Standards - Standard for Edible Fungi and Fungus Products, Standard for Quick Frozen Peas, Standard for Quick Frozen Spinach, Standard for Quick Frozen Leek, Standard for Quick Frozen Broccoli, Standard for Quick Frozen Cauliflower, Standard for Quick Frozen Brussels Sprouts, Standard for Quick Frozen Green and Wax Beans, Standard for Quick Frozen French Fried Potatoes, Standard for Quick Frozen Whole Kernel Corn, Standard for Quick Frozen Corn-on-the-Cob and Standard for Quick Frozen Carrots)</li> </ul>	<p>USA, EU, Norway, NZ, Australia, Brazil, India and Mexico support discontinuation.</p> <p>Technological justification (ISA/CCC):</p> <p>Some of these non-standardised foods are sweetened. The use of sweeteners can balance the acidity of vinegar used in these products and provide a balanced sweet-sour taste. Intense sweeteners are degraded by lactic acid bacteria which may occur in brined products.</p>	Broad support for discontinuation.
04.2.2.2	Dried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds	<ul style="list-style-type: none"> <li>• Replace 161 with Note "For use in dried seaweed only".</li> </ul>	USA, Japan, EU, Norway, NZ and Australia support.	Broad support for note "For use in dried seaweed only".

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
04.2.2.3	Vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera) and seaweeds in vinegar, oil, brine, or soybean sauce	<ul style="list-style-type: none"> <li>Replace 161 with Note 144 (for use in sweet and sour products only).</li> </ul>	<p>USA, EU, Norway, NZ, Australia, Mexico, Thailand, CCC and ISA support proposal.</p> <p>Japan: remove note 161. According to the Codex Standard for Pickled Fruits and Vegetables (CODEX STAN 260-2007), both Acesulfame potassium and Aspartame are permitted in pickled vegetables. It should be noted that these sweeteners are not restricted to the products which are significant reduction in energy.</p>	Broad support to replace with note 144.
04.2.2.4	Canned or bottled (pasteurized) or retort pouch vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds	<ul style="list-style-type: none"> <li>Limited use reported in non-standardised foods and inconsistent with Commodity Standards - Standard for Preserved Tomatoes, Standard for Edible Fungi and Fungus Products, Standard for Canned Chestnuts and Chestnut Purée, Standard for Canned Bamboo Shoots and Standard for Certain Canned Vegetables.</li> <li>Further evidence justifying use in this category is requested, otherwise the category will be discontinued.</li> </ul>	<p>USA, EU, Norway, NZ, Australia, Mexico and India support discontinuation.</p> <p>Technological justification (ISA/CCC):</p> <p>Some of these non-standardised foods are sweetened. Intense sweeteners allow production of sweetened sugar-free products. Acesulfame K was found to withstand the sterilisation conditions used for the common types of canned fruit.</p>	Broad support for discontinuation.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
04.2.2.5	Vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweed, and nut and seed purees and spreads (e.g., peanut butter)	<ul style="list-style-type: none"> <li>Replace 161 with Note "For use only in tomato jam."</li> </ul>	<p>USA, Japan, Norway, NZ, Australia and India support proposal.</p> <p>The EU does not support since the provision would be in conflict with the Codex Standard for Processed Tomato Concentrates (CS 57 -1981).</p> <p>Technological justification (CCC):</p> <p>Some products of this category are sweet. Acesulfame K and aspartame allows for production of sweet products with no added sugar as it withstands heat processing.</p> <p>The listed level for Ace K (2,500 mg/kg) seems higher than technologically required. It is proposed to replace it by 1000 mg/kg.</p>	Requires further discussion.
04.2.2.6	Vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweed, and nut and seed pulps and preparations (e.g., vegetable desserts and sauces, candied vegetables) other than food category 04.2.2.5	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	<p>USA, Japan, NZ, Australia, Mexico, Thailand, Norway, CCC and ISA support proposal.</p> <p>EU supports proposal and seeks restriction to the products in which the use of sweeteners would be technologically justified also avoiding conflict with the Commodity Standards (CS 38-1981 and CS 57-1981).</p>	Requires further discussion.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
04.2.2.7	Fermented vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweed products, excluding fermented soybean products of food categories 06.8.6, 06.8.7, 12.9.1, 12.9.2.1 and 12.9.2.3	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	<p>USA, NZ, Australia, India, Mexico, Thailand, Norway ISA support proposal</p> <p>Japan: remove note 161.</p> <p>According to the Codex Standard for Pickled Fruits and Vegetables (CODEX STAN 260-2007), both Acesulfame potassium and Aspartame are permitted in pickled vegetables. It should be noted that these sweeteners are not restricted to the products which are significant reduction in energy.</p> <p>EU supports proposal and seeks restriction to the products in which the use of sweeteners would be technologically justified also avoiding conflict with the Commodity Standards (CS 38-1981 and CS 57-1981).</p> <p>Technological justification (CCC):</p> <p>Ace K balances acidity whilst not being degraded by lactic acid bacteria.</p>	Requires further discussion.
04.2.2.8	Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	<p>USA, Japan, NZ, Australia, Mexico, Thailand, Norway and ISA support proposal</p> <p>EU supports proposal and seeks restriction to the products in which the use of sweeteners would be technologically justified also avoiding conflict with the Commodity Standards (CS 38-1981 and CS 57-1981).</p> <p>Technological justification (CCC):</p> <p>Ace K balances acidity whilst not being degraded by lactic acid bacteria.</p>	Requires further discussion.
05.1.2	Cocoa mixes (syrops)	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, NZ, Australia, Mexico, Norway, ISA, CCC, Thailand and Costa Rica support proposal.	Broad support for new note X.
05.1.3	Cocoa-based spreads, including fillings	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, Brazil, NZ, Australia, Mexico, Thailand, Norway, Costa Rica, CCC and ISA support proposal.	Broad support for new note X.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
05.1.4	Cocoa and chocolate products	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	<p>USA, EU, NZ, Australia, Brazil, India, Mexico, Thailand, Norway, Malaysia, ISA, Costa Rica and CCC support proposal.</p> <p>Japan: remove note 161. According to the Codex Standard for Chocolate and Chocolate products (CODEX STAN 87-1981), both Acesulfame potassium and Aspartame are permitted in chocolate. It should be noted that these sweeteners are not restricted to the products which are significant reduction in energy.</p>	Broad support for new note X.
05.1.5	Imitation chocolate, chocolate substitute products	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, NZ, Australia, Mexico, Thailand, Norway, Costa Rica, ISA and CCC support proposal.	Broad support for new note X.
05.2.1	Hard candy	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, Brazil, NZ, Australia, India, Mexico, Thailand, Norway, Costa Rica and ISA support proposal.	Broad support for new note X.
05.2.2	Soft candy	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, Brazil, NZ, Australia, India, Mexico, Norway, Thailand, Costa Rica and ISA support proposal.	Broad support for new note X.
05.2.3	Nougats and marzipans	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Japan, NZ, Australia, Thailand, Mexico, Norway, Costa Rica and ISA support proposal.	Broad support for new note X.
05.3	Chewing gum	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> <li>Further evidence on levels of use as a <u>flavour enhancer</u>, to support inclusion of an additional specific Note.</li> </ul>	<p>USA, EU, NZ, Australia, Brazil, India, Norway, Mexico, Thailand and Costa Rica support proposal.</p> <p>The ICGA believes a there is an established technological need. The ISA and CCC support ICGA</p>	<p>Broad support for new note X.</p> <p>CCFA may need to return to discussion of flavour enhancer use.</p>
05.4	Decorations (e.g., for fine bakery wares), toppings (non-fruit) and sweet sauces	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Brazil, NZ, Australia, Norway, Thailand, Mexico, Costa Rica, ISA and CCC support proposal.	Broad support for new note X.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
06.3	Breakfast cereals, including rolled oats	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Brazil, NZ, Australia, India, Norway, Thailand, Mexico, Costa Rica, ISA and CCC support proposal.	Broad support for new note X.
06.5	Cereal and starch based desserts (e.g., rice pudding, tapioca pudding)	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Brazil, NZ, Australia, Norway, Thailand, Mexico, Costa Rica, ISA and CCC support proposal	Broad support for new note X.
07.1	Bread and ordinary bakery wares and mixes	<ul style="list-style-type: none"> <li>Discontinue this provision. Bread is a staple part of many diets. Technologically sugar is necessary for the production of bread and cannot be replaced by an intense sweetener.</li> </ul>	<p>USA, EU, NZ, Australia Mexico and Norway support discontinuation</p> <p>India doesn't support discontinuation: India permits aspartame and acesulfame potassium in bread</p> <p>Japan: Acesulfame potassium is used in particular products to avoid brown discoloration caused by reaction between reducing sugars and amino acids. The amount of sugar used in wheat dough can be reduced as much as necessary for yeast fermentation.</p> <p>ISA - Sweeteners are used in some non-standardized bakery products and baking mixes. Sweeteners allow production of sweetened products without addition of soluble carbohydrates.</p> <p>CCC state that products are on the market in some countries. The right category for these products should be identified if this considered not the right category for such products. Instead, category 7.1.1 breads and rolls may better describe the presently available products.</p> <p>Used in some breads to improve taste.</p>	Requires further discussion.
10.4	Egg-based desserts (e.g., custard)	<ul style="list-style-type: none"> <li>Replace 161 with new note X</li> </ul>	USA, EU, Brazil, NZ, Australia, India, Norway, Thailand, Mexico, Brazil, Costa Rica, ISA and CCC support proposal.	Broad support for new note X.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
12.2.1	Herbs and spices	<ul style="list-style-type: none"> <li>Discontinue this provision. No technological justification for use in this category. Limited use reported by participant countries of the eWG.</li> </ul>	<p>EU, Norway, Brazil, Mexico, Australia, New Zealand and India support discontinuation.</p> <p>USA proposes replacing Note 161 with a new Note ("Excluding herbs.")</p> <p>Technological justification (ISA and CCC):</p> <p>The flavours of certain herbs etc are rounded by the addition of sweeteners.</p>	Broad support for discontinuation.
12.2.2	Seasonings and condiments	<ul style="list-style-type: none"> <li>Limited use reported by eWG members.</li> <li>Further evidence justifying use in this category is requested, otherwise the category will be discontinued.</li> </ul>	<p>USA, EU, Norway, Mexico, Brazil, and India Support discontinuation.</p> <p>Japan - Both Aspartame and Acesulfame potassium are used in <i>furikake</i>(topping to sprinkle on rice) to avoid brown discoloration caused by reaction between reducing sugars and amino acids.</p> <p>Intense sweeteners are used in Liquid seasoning mix to reduce the viscosity of seasoning mixes because sugar-sweetened products are usually higher in viscosity. Viscosity reduction due to intense sweeteners results in lowered osmotic pressure, and the seasoning solution can be absorbed more easily and effectively through the material or cell membranes than that in sugar application.</p> <p>In addition, the use of aspartame is beneficial for diabetics, the people with metabolic syndrome, and cavity prevention.</p> <p>Australia/NZ noted they have provisions in their code for:- Acesulfame K 500 mg/kg and Aspartame acesulfame K 1100 mg/kg</p> <p>Technological justification (ISA/CCC):</p> <p>Seasonings are sometimes rounded by the addition of intense sweeteners..</p>	Requires further discussion.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
12.3	Vinegars	<ul style="list-style-type: none"> <li>Discontinue this provision. No technological justification for use in this category. Limited use reported by participant countries of the eWG.</li> </ul>	<p>EU, Norway, Mexico, NZ, Australia, Brazil, and India support proposal.</p> <p>USA proposes replacement with Note X.</p> <p>ISA/CCC Vinegar is sometimes rounded and mellowed by the addition of intense sweeteners. Acesulfame K is particularly stable in vinegar and balances its acidity well.</p>	Broad support for discontinuation.
12.5	Soups and broths	<ul style="list-style-type: none"> <li>Limited use reported by eWG members.</li> <li>Further evidence justifying use in this category is requested – including whether use is as a sweetener or flavour enhancer - otherwise the category will be discontinued.</li> </ul>	<p>EU, Norway, Mexico, Brazil and India support discontinuation.</p> <p>USA proposes to replace with new note x.</p> <p>Australia and NZ permit use in this category.</p> <p>Japan - Acesulfame Potassium and Aspartame are used in various commodities in this category. (e.g.; Nutrition fortified soup, condensed sauces for Japanese foods such as mentsuyu for noodles and tare for sukiyaki).</p> <p><u>Nutrition fortified Soup</u></p> <p>Soups that are fortified with protein and specific amino acids, with intense sweetener to mask bitter taste of free amino acids.</p> <p><u>Condensed Soups</u></p> <p>Intense sweeteners are effective to reduce the viscosity of products, which is likely to increase with the addition of sugar. The reduction of viscosity improves the usability.</p> <p>ISA/CCC referred to the Codex Standard for Bouillons and Consommes (CODEX STAN 117-1981). This permits the use of GSFA Table III sweeteners</p>	Requires further discussion.

Food Category No.	Title	Options to continuing with Note 161 considered by eWG	Comments from Participants	Summary conclusion of the eWG Chair
12.7	Salads (e.g., macaroni salad, potato salad) and sandwich spreads excluding cocoa- and nut-based spreads of food categories 04.2.2.5 and 05.1.3	<ul style="list-style-type: none"> <li>• Limited use reported by eWG members.</li> <li>• Further evidence justifying use in this category is requested, otherwise the category will be discontinued.</li> </ul>	<p>EU, Norway, Mexico, NZ, Australia and India support discontinuation.</p> <p>USA proposes adding new Note X and Note 169 ("For use in fat-based sandwich spreads only.") to the provisions for all three sweeteners.</p> <p>ISA/CCC - This category includes milk-based sandwich spreads and non-standardized mayonnaise-like sandwich spreads.</p> <p>Sweeteners are sometimes added to sandwich spreads to provide low-calorie alternatives. For consistency with use of other sweeteners in this category, ISA proposes to add Note 169: For use in fat-based sandwich spreads only.</p> <p>Japan - Acesulfame Potassium and Aspartame are used in dressing for coleslaw. According to the Food Category system, FC 12.7 includes "dressing for coleslaw". Because both Acesulfame potassium and Aspartame are permitted in FC 12.6 "Sauces and like products", it should be considered the consistency with FC 12.6 and FC 12.7.</p>	Requires further discussion.
14.1.3.2	Vegetable nectar	<ul style="list-style-type: none"> <li>• Replace 161 with new note X</li> </ul>	USA, EU, NZ, Australia, Brazil, ICBA, India, Norway, Thailand, Mexico, Costa Rica, and ISA support proposal.	Broad support for new note X.
14.1.3.4	Concentrates for vegetable nectar	<ul style="list-style-type: none"> <li>• Replace 161 with new note X</li> </ul>	USA, EU, NZ, Australia, India, Brazil, ICBA, Norway, Thailand, Mexico, Costa Rica, ISA and Calorie Control Council support proposal.	Broad support for new note X.
14.1.4	Water-based flavoured drinks, including "sport," "energy," or "electrolyte" drinks and particulated drinks	<ul style="list-style-type: none"> <li>• Replace 161 with new note X.</li> <li>• (eWG was also asked to provide information related to exposure concerns.)</li> </ul>	<p>USA, EU, Japan, NZ, Australia, Brazil, Iran, Norway, Thailand, Mexico, Costa Rica, ISA and Calorie Control Council support proposal.</p> <p>ICBA limited support for the proposal.</p> <p>USA proposes adding Note 127 'As served to the consumer'.</p>	Broad support for new note X.

<b>Food Category No.</b>	<b>Title</b>	<b>Options to continuing with Note 161 considered by eWG</b>	<b>Comments from Participants</b>	<b>Summary conclusion of the eWG Chair</b>
14.1.5	Coffee, coffee substitutes, tea, herbal infusions, and other hot cereal and grain beverages, excluding cocoa	<ul style="list-style-type: none"><li>• Replace 161 with new note X</li></ul>	USA, EU, Japan, Brazil, NZ, Australia, India, Norway, Thailand, Mexico, Costa Rica, ISA and Calorie Control Council support proposal.  ICBA limited support for the proposal.	Broad support for new note X.

**Annex C: FOOD CATEGORIES CONSIDERED, GROUPED ACCORDING TO THE SUMMARY VIEW OF THE EWG CHAIR ON THE PROPOSED WAY FORWARD.**

List 1: Food categories where Note 161 can be replaced with Note X, if the text of Note X is agreed. (29 food categories)

<b>Food Category No.</b>	<b>Title</b>
01.1.2	Dairy-based drinks, flavoured and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)
01.7	Dairy-based desserts (e.g., pudding, fruit or flavoured yoghurt)
02.3	Fat emulsions mainly of type oil-in water, including mixed and/or flavoured products based on fat emulsions
02.4	Fat-based desserts excluding dairy based dessert products of food category 01.7
03.0	Edible ices, including sherbet and sorbet
04.1.2.4	Canned or bottled (pasteurized) fruit
04.1.2.5	Jams, jellies and marmelades
04.1.2.6	Fruit-based spreads (e.g., chutney) excluding products of food category 04.1.2.5
04.1.2.8	Fruit preparations, including pulp, purees, fruit toppings and coconut milk
04.1.2.9	Fruit-based desserts, including fruit flavoured water-based desserts
04.1.2.10	Fermented fruit products
04.1.2.11	Fruit fillings for pastries
04.1.2.12	Cooked fruit
05.1.2	Cocoa mixes (syrups)
05.1.3	Cocoa-based spreads, including fillings
05.1.4	Cocoa and chocolate products
05.1.5	Imitation chocolate, chocolate substitute products
05.2.1	Hard candy
05.2.2	Soft candy
05.2.3	Nougats and marzipans
05.3	Chewing gum
05.4	Decorations (e.g., for fine bakery wares), toppings (non-fruit) and sweet sauces
06.3	Breakfast cereals, including rolled oats
06.5	Cereal and starch based desserts (e.g., rice pudding, tapioca pudding)
10.4	Egg-based desserts (e.g., custard)

Food Category No.	Title
14.1.3.2	Vegetable nectar
14.1.3.4	Concentrates for vegetable nectar
14.1.4	Water-based flavoured drinks, including "sport," "energy," or "electrolyte" drinks and particulated drinks
14.1.5	Coffee, coffee substitutes, tea, herbal infusions, and other hot cereal and grain beverages, excluding cocoa

List 2: Food categories where Note 161 can be replaced by a more specific Note, and details of that specific Note. (3 food categories)

Food Category No.	Title	Summary
04.1.2.3	Fruit in vinegar, oil, or brine	Broad support to replace with existing note 144: "For use in sweet and sour products only".
04.2.2.2	Dried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds	Broad support for a new note "For use in dried seaweed only".
04.2.2.3	Vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera) and seaweeds in vinegar, oil, brine, or soybean sauce	Broad support to replace with existing note 144: "For use in sweet and sour products only".

List 3: Food categories where the use of the three sweeteners can be discontinued or revoked. (12 food categories)

Food Category No.	Title
01.3.2	Beverage whiteners
01.4.4	Cream analogues
01.5.2	Milk and cream powder analogues
01.6.1	Unripened cheese
01.6.5	Cheese analogues
04.1.2.1	Frozen fruit
04.1.2.2	Dried fruit
04.1.2.7	Candied fruit
04.2.2.1	Frozen vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds
04.2.2.4	Canned or bottled (pasteurized) or retort pouch vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds
12.2.1	Herbs and spices
12.3	Vinegars

List 4: Food categories where further discussion is needed. (8 food categories, plus 2 from List 1 because of flavour enhancer discussion.)

<b>Food Category No.</b>	<b>Title</b>
04.2.2.5	Vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweed, and nut and seed purees and spreads (e.g., peanut butter)
04.2.2.6	Vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweed, and nut and seed pulps and preparations (e.g., vegetable desserts and sauces, candied vegetables) other than food category 04.2.2.5
04.2.2.7	Fermented vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweed products, excluding fermented soybean products of food categories 06.8.6, 06.8.7, 12.9.1, 12.9.2.1 and 12.9.2.3
04.2.2.8	Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds
07.1	Bread and ordinary bakery wares and mixes
12.2.2	Seasonings and condiments
12.5	Soups and broths
12.7	Salads (e.g., macaroni salad, potato salad) and sandwich spreads excluding cocoa- and nut-based spreads of food categories 04.2.2.5 and 05.1.3

In addition. food categories 1.1.2 and 5.3 because of flavour enhancer use.