CODEX ALIMENTARIUS COMMISSION E

Food and Agriculture Organization of the United Nations

World Health Organization

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Agenda Item 5g **CX/FA 15/47/13**

December 2014

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Forty-Seventh Session

Xi'an, China, 23-27 March 2015

NOTE 161 – APPLICATION OF ALTERNATIVE NOTE TO PROVISIONS FOR 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. Most recently the 46th CCFA agreed to establish an eWG, led by the United Kingdom and assisted by the United States of America (USA), to request information on the effect of the application of the following Note: "For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997" to provisions for sweeteners contained in Appendix 8 of FA/45 CRD 2. Information provided to the eWG would be used to determine if the application of this Note on a general basis for provisions for sweeteners in specific food categories is appropriate, or if alternative Notes can be developed to address concerns for the provisions for sweeteners in specific food categories when the replacement Note is not appropriate. The eWG could make recommendations on the amendment of adopted provisions, progression of provisions within the Step process and progression of new provisions into the Step process. (REP14/FA paras. 96-97)

3. The following countries and organisations were members of the eWG: Argentina, Australia, Austria, Brazil, Canada, Chile, China, Costa Rica, Denmark, European Union (EU), Greece, Hungary, India, Iran, Iraq, Ireland, Japan, Luxembourg, Malaysia, Mexico, Netherlands, New Zealand, Norway, Peru, Philippines, Republic of Korea, Singapore, South Africa, Sweden, Thailand and USA. The American Frozen Foods Institute (AFFI), Calorie Control Council (CCC), Comité Européen des Fabricants de Sucre (CEFS), European Consumer Organisation (BEUC), FoodDrinkEurope, Institute of Food Technologists (IFT), International Alliance of Dietary/Food Supplement Associations (IADSA), International Association of Color Manufacturers (ICMA), International Chewing Gum Association (ICGA), International Council of Beverage Associations (ICBA), International Council of Grocery Manufacturers Associations (ICGMA), International Dairy Federation (IDF), International Food Additives Council (IFAC), International Organisation of Wine and Vine (OIV) and International Sweeteners Association (ISA). In responding to the working group, the EU coordinated the views of its 28 Member States

4. The four lists developed from the previous year's eWG were used as a starting point in taking forward this work and a circular was prepared to gather views and evidence from eWG members to different questions targeted to the specific food categories in the four lists. The issue of energy reduction in relation to sweeteners had previously been identified as important for the food categories in list 1 and therefore for these food categories eWG members were specifically asked to comment on the application of the note and also to provide examples of products that did or didn't meet the criteria. List 2 contained categories where the use of Note 161 does not appear to have been due to differences of opinion about the extent of energy reduction, but rather about whether the use of sweeteners should be restricted to a specific type of product in each of the food categories. For these categories eWG members were asked to comment on the impact of specific alternative notes. For the categories in list 3 there had been limited support in the previous year's eWG for maintaining the provision and the discussion had been more about the need for the use of sweeteners rather than the energy reduction element. Questions posed for this list were therefore directed towards determining whether sweeteners are, in fact, used in these food categories or subsets of these food categories, and determining whether such use is consistent with section 3.2 of the Preamble to the GSFA. List 4 was considered a miscellaneous list divided into three parts; the first part containing food categories where further discussion was needed about energy reduction; the second part containing food categories where energy reduction does not appear to be an issue, and the third part where possible uses of these substances for purposes other than sweetening had been identified.

5. The compiled discussion document with questions was circulated to all eWG members and the comments received[1] have been collated and where appropriate summarised in the tables in annex B.

6. The main themes which emerged from the circular were:

For the food categories in list 1:

- 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. Examples were provided for products that did meet the conditions of the proposed note[2] and also products that didn't.
- For some categories no examples were provided although some respondents maintained their positions either in support of or opposed to the use of the note;
- For other categories examples were provided for products that met the conditions in the proposed note.

For the categories in list 2:

- The general view of respondents was that alternative notes could be used to describe the particular sub categories of food where the use of the 3 sweeteners was justified.

For the categories in list 3:

- A number of respondents reiterated that they did not consider that the use of sweeteners had been sufficiently substantiated and these provisions should be discontinued or revoked unless convincing information on the technological justification and the compliance with the GSFA Preamble Section 3.2 is demonstrated.
- For some categories respondents have provided additional clarification that the sweeteners are used in a narrower range of products than the complete food category.

For the categories in the first two parts of list 4 responses could be aligned with approaches in either lists 1, 2 or 3; for the third part respondents provided justification for the use of substances as a flavour enhancer in certain products at a lower level than that used for sweetener purposes.

Overall compilation of food categories considered (Annex C)

7. Annex C provides recommendations from the eWG Chair for each food category on the basis of the information received. 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.

8. 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 remained a clear divergence of view on whether use should be limited to foods with a significant reduction in energy. In those examples (list T) where there was no consensus that the note *For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997* would be acceptable because examples were provided of products that both met and didn't meet the conditions (16 categories), the Chair has therefore suggested that the existing note 161 is maintained.

9. **Recommendation 1**: That CCFA maintain note 161 for the categories in list T.

10. For a further seven categories examples were provided of products which would not meet the conditions of the note *For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997* however because other respondents supported the use of the note there was no consensus. The Chair has therefore suggested that the existing note 161 is maintained.

11. **Recommendation 2**: That CCFA maintain note 161 for the categories in list U.

12. For eight categories examples were only provided of products that met the conditions of the note *For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997.*

13. **Recommendation 3**: That CCFA agree to the replacement of note 161 for the categories in list V with the new note '*For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997'.*

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[1] Respondents to the circular: Australia, Brazil, China Costa Rica, EU, India, Iran, Iraq, Ireland, Japan, Malaysia, Peru, Singapore, South Africa, Thailand and USA, CCC, CEFS, BEUC, FoodDrinkEurope, ICBA, ICGA, ICGMA, IDF and ISA.
[2] *For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997*

14. For four categories no examples were provided of relevant products or whether the use of note "*For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997"* would have an impact. The Chair has therefore suggested that either the provision is discontinued/revoked or that note 161 is replaced with the new note '*For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997*'.

15. Recommendation 4: That CCFA agree to the replacement of note 161 for the categories in list W with the new note '*For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997'* or that the provisions are revoked/discontinued.

16. For fourteen categories justification has been provided for use of the sweeteners in a narrower range of foods. The Chair has therefore suggested for the food categories in list X note 161 can be replaced with new or existing notes.

17. **Recommendation 5**: That CCFA agree to the replacement of note 161 with the specific notes listed for the categories in list X.

18. For categories 01.1.2 and 05.3 justification has been provided for use of aspartame and acesulfame K as a flavour enhancer in certain products at a lower level than that used for sweetener purposes. The Chair suggests that such use and the necessary levels are reflected in suitable notes for these food categories. Examples of the levels needed have been provided in part but further consideration

19. **Recommendation 6**: That CCFA agree a suitable note for the food categories in list Y to reflect the use as flavour enhancers for aspartame and acesulfame K.

20. For three categories in list Z several respondents supported revocation/discontinuation of the provisions and no further justification was provided.

21. **Recommendation 7**: That CCFA agree to discontinue/revoke provisions for the use of the three sweeteners in the food categories in List Z.

22. **Recommendation 8**: 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.

23. The approach taken to date has examined the issue on a horizontal approach i.e. that, whilst aspartame-acesulfame salt may 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. In moving forward this consistency should be maintained by examining the equivalent provisions for all other intense sweeteners within the GSFA. Agreements from this current work, and the work on the other intense sweeteners, should be implemented in GSFA at the same time to avoid unfair commercial advantage for companies supplying different sweeteners.

24. **Recommendation 9**: That CCFA consider similar changes to the provisions for all other intense sweeteners in the same food categories and that all agreed changes for all of the sweeteners are implemented at the same time.

Annex A: HISTORY OF THE USE OF NOTE 161

1. Note 161 was first used at the 39th 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 41st 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 42nd 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 43rd 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 44th 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 45th Session of the CCFA, Australia prepared a discussion paper drawing on one of the terms of reference proposed for the eWG from the 44th 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).

11. For the 46th session of the CCFA, UK prepared a discussion paper (CX/FA 14/46/14) with assistance from the United States of America, considering ways of replacing Note 161 in certain GSFA provisions for three intense sweeteners. In discussing the options for proposed replacement notes in this paper, there was no consensus amongst delegates on whether the eWG should base its work on Option 3 "For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997" or on Option 1 " To replace sugar wholly or partly, in products where no sugar is added during manufacture." There was however general support by the Committee to advance work on Note 161 and to establish a new eWG. It was proposed a further eWG should be established in the coming year to request information on the effect of the application of Option 3. The Chair noted that the inclusion solely of Option 3 in the mandate of the new eWG, did not mean the Committee would necessarily use that particular Note to solve all the problems related to Note 161.

12. The CCFA agreed to establish an eWG, led by the UK and assisted by the United States of America, to request information on the effect of the application of the following Note: "For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997" to provisions for sweeteners contained in Appendix 8 of FA/45 CRD 2. The eWG will utilise this information to determine if the application of this Note on a general basis for provisions for sweeteners in specific food categories is appropriate, or if alternative Notes can be developed to address concerns for the provisions for sweeteners in specific food categories when the replacement Note is not appropriate. The eWG could make recommendations on: the amendment of adopted provisions; progression of provisions within the Step process; progression of new provisions into the Step process.

Annex B: Consideration of individual food categories.

List 1: Food categories where we're considering whether Note 161 can be replaced with a Note concerning energy reduction/'no added sugar' (29 food categories)

Food Category No.	Title	Summary of responses	eWG Chair Recommendation
01.1.2	Dairy-based drinks, flavoured and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)	The Calorie Control Council (CCC) provided examples of 181 products, covering 11 countries that do not meet the 25% energy reduction, or have added sugar. China provided examples of 2 products in this category, 1 that does not meet the 25% energy reduction, and one that does meet the 25% energy reduction. The EU provided examples of 5 products, covering 5 different countries that either have at least 25% energy reduction or have no sugar added. 7 other participants did not support the introduction of an 'at least 25% energy reduction or no added sugar' note, but gave no examples. 1 other participant supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No Agreement Maintain 161
01.7	Dairy-based desserts (e.g., pudding, fruit or flavoured yoghurt)	CCC, China, ISA, Japan and FDE provided examples of 101 products covering 8 different countries that either do not meet the 25% energy reduction or have sugar added EU provided examples of 14 products covering 7 different countries that either have at least 25% energy reduction or have no sugar added 3 other participants did not support the introduction of an "at least 25% energy reduction or no added sugar" note, but gave no examples. 4 other participants supported the "at least 25% energy reduction or no added sugar" note but did not provide examples.	No agreement Maintain 161
02.3	Fat emulsions mainly of type oil-in water, including mixed and/or flavoured products based on fat emulsions	3 participants did not support the introduction of an 'at least 25% energy reduction or no added sugar' note, but gave no examples. 1 other participant and the EU supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	As no examples have been provided suggest discontinue/revoke or introduce ERONAS note
02.4	Fat-based desserts excluding dairy based dessert products of food category 01.7	EU provided an example of 1 product covering 1 country that has no sugar added. 6 participants did not support the introduction of at "at least 25% energy reduction or no added sugar" note, but gave no examples 4 other participants supported the "at least 25% energy reduction or no added sugar" note but did not provide examples.	Replace with new ERONAS note
03.0	Edible ices, including sherbet and sorbet	CCC, ISA and FDE provided examples of 18 products from 2 countries that either do not meet the 25% energy reduction or have sugar added.	No Agreement Maintain 161

Food Category No.	Title	Summary of responses	eWG Chair Recommendation
		China provided examples of 2 products in this category, 1 that does not meet the 25% energy reduction, and one that does meet the 25% energy reduction. EU provided examples of 14 products covering 7 different countries that either have at least 25% energy reduction or have no sugar added. 3 other participants did not support the introduction of at "at least 25% energy reduction or no added sugar" note, but gave no examples. 4 other participants supported the "at least 25% energy reduction or no added sugar" note but did not provide examples.	
04.1.2.4	Canned or bottled (pasteurized) fruit	The EU provided 1 example of a product, covering 1 country, that either has at least 25% energy reduction or has no sugar added. 6 participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 3 other participants supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	The only example provided complies with the proposed note suggest note 161 is replaced with ERONAS note
04.1.2.5	Jams, jellies and marmelades	The CCC provided examples of 8 products, covering 2 different countries, that either do not meet the 25% energy reduction, or have sugar added. The EU provided examples of 2 products, covering 2 different countries, that either have at least 25% energy reduction or have no sugar added. 6 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 3 other participants supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No agreement Maintain 161
04.1.2.6	Fruit-based spreads (e.g., chutney) excluding products of food category 04.1.2.5	The CCC provided examples of 2 products, covering 1 country, that either does not meet the 25% energy reduction, or has sugar added. 6 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 3 other participants and the EU supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No agreement Maintain 161
04.1.2.8	Fruit preparations, including pulp, purees, fruit toppings and coconut milk	CCC/ISA provided examples of 3 products from 1 country that either do not meet the 25% energy reduction or have sugar added. EU provided an example of 1 product covering 1 country that has at least 25% energy reduction and has no sugar added. 4 other participants did not support the introduction of at "at least 25% energy reduction or no added	No agreement Maintain 161

Food Category No.	Title	Summary of responses	eWG Chair Recommendation
		sugar" note, but gave no examples. 4 other participants supported the "at least 25% energy reduction or no added sugar" note but did not provide examples.	
04.1.2.9	Fruit-based desserts, including fruit flavoured water-based desserts	CCC/ISA and Japan provided examples of 50 products from 6 countries that either do not meet the 25% energy reduction or have sugar added. EU provided an example of 1 product covering 1 country that has no sugar added. 4 other participants did not support the introduction of at "at least 25% energy reduction or no added sugar" note, but gave no examples. 4 other participants supported the "at least 25% energy reduction or no added sugar" note but did not provide examples.	No agreement Maintain 161
04.1.2.10	Fermented fruit products	CCC/ISA provided examples of 3 products from 2 countries that either do not meet the 25% energy reduction or have sugar added. 4 other participants did not support the introduction of at "at least 25% energy reduction or no added sugar" note, but gave no examples. 4 participants and the EU supported the "at least 25% energy reduction or no added sugar" note but did not provide examples	No agreement Maintain 161
04.1.2.11	Fruit fillings for pastries	No examples provided of products in this category. 6 participants did not support the introduction of at "at least 25% energy reduction or no added sugar" note, but gave no examples. 4 participants and the EU supported the "at least 25% energy reduction or no added sugar" note but did not provide examples.	No examples have been provided suggest discontinue/revoke provision or replace with ERONAS
04.1.2.12	Cooked fruit	CCC/ISA provided examples of 12 products from 2 countries that either do not meet the 25% energy reduction or have sugar added. 4 other participants did not support the introduction of at "at least 25% energy reduction or no added sugar" note, but gave no examples. 4 participants and the EU supported the "at least 25% energy reduction or no added sugar" note but did not provide examples	No agreement Maintain 161
05.1.2	Cocoa mixes (syrups)	No examples were given for products that either meet or do not meet the 'at least 25% energy reduction or no added sugar' note. 7 participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 4 other participants and the EU supported the 'at least 25% energy reduction or no added sugar'	No examples have been provided suggest discontinue/revoke provision or replace with ERONAS

Food Category No.	Title	Summary of responses	eWG Chair Recommendation
		note, but did not provide examples.	
05.1.3	Cocoa-based spreads, including fillings	The CCC provided examples of 4 products, covering 2 different countries, that either do not meet the 25% energy reduction, or have sugar added. The EU provided 1 example of product that either had at least 25% energy reduction or had no sugar added. 6 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 4 other participants supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples	No agreement Maintain 161
05.1.4	Cocoa and chocolate products	The CCC provided examples of 22 products, covering 5 different countries, that either do not meet the 25% energy reduction, or have sugar added. Canada provided an example of 1 product covering 1 country that either had at least 25% energy reduction or had no sugar added. 8 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 4 other participants and the EU supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No agreement Maintain 161
05.1.5	Imitation chocolate, chocolate substitute products	No examples were given for products that either meet or do not meet the 'at least 25% energy reduction or no added sugar' note. 7 participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 4 participants and the EU supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No examples have been provided suggest discontinue/revoke provision or replace with ERONAS
05.2.1	Hard candy	The CCC and the USA provided examples of 76 products, covering 11 different countries, that either do not meet the 25% energy reduction, or have sugar added. Canada and the EU provided examples of 10 products, covering 6 different countries, that either have at least 25% energy reduction or have no sugar added. 6 other participants did not support the introduction of an 'at least 25% energy reduction or no added sugar' note, but gave no examples. 4 other participants supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples. One participant said that sweeteners are sometimes used to mark strong flavours in the following types of products: hard candy, candy tablet or microsweet with strong salty, sour or bitter tastes.	No agreement Maintain 161

Food Category No.	Title	Summary of responses	eWG Chair Recommendation
		They are used to enhance fruit flavour or cocoa flavour in fruit flavoured hard candy and cocoa based hard candy.	
05.2.2	Soft candy	The CCC, China and USA provided examples of 58 products, covering 8 different countries, that either do not meet the 25% energy reduction, or have sugar added. Canada, the USA, ICGMA and the EU provided examples of 4 products, covering 3 or more different countries, that either have at least 25% energy reduction or have no sugar added. 6 other participants did not support the introduction of an 'at least 25% energy reduction or no added sugar' note, but gave no examples. 4 other participants supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No agreement Maintain 161
05.2.3	Nougats and marzipans	CCC provided an example of 1 product, that either did not meet the 25% energy reduction, or had sugar added. There were no examples of products that either have at least 25% energy reduction or have no sugar added. 6 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 4 other participants and the EU supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No agreement Maintain 161
05.3	Chewing gum	The CCC, IGGA and ICGMA provided examples of over 100 products, covering over 40 different countries, that either do not meet the 25% energy reduction, or have sugar added. The EU provided examples of 5 products, covering 3 different countries, that either have at least 25% energy reduction or have no sugar added. 6 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 4 other participants supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples. Some participants noted that sweeteners are sometimes used as flavour enhancers and in addition in some product examples the sweeteners were listed as flavour enhancers.	Replace with new ERONAS note plus new note for flavour enhancer use (see list Z).
05.4	Decorations (e.g., for fine bakery wares), toppings (non-fruit) and sweet sauces	The CCC and USA, provided examples of 5 products, covering 3 different countries, that either do not meet the 25% energy reduction, or have sugar added. The EU provided an example of 1 products, covering 1 different country, that either have at least 25% energy reduction or have no sugar added. 6 other participants did not support the introduction of a 'at least 25% energy reduction or no added	No agreement Maintain 161

Food Category No.	Title	Summary of responses	eWG Chair Recommendation
		sugar' note, but gave no examples. 4 other participants supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	
06.3	Breakfast cereals, including rolled oats	The CCC, USA, Canada and ICGMA provided examples of 42 products, covering 9 different countries, that either do not meet the 25% energy reduction, or have sugar added. The EU provided examples of 2products, covering 2 different countries, that either have at least 25% energy reduction or have no sugar added. 6 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 3 other participants supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No agreement Maintain 161
06.5	Cereal and starch based desserts (e.g., rice pudding, tapioca pudding)	EU provided examples of 2 products covering 2 countries that have at least 25% energy reduction or have no sugar added. 6 participants did not support the introduction of at "at least 25% energy reduction or no added sugar" note, but gave no examples. 4 other participants supported the "at least 25% energy reduction or no added sugar" note but did not provide examples.	The only examples provided meet the conditions of the ERONAS note, suggest replace note 161 with ERONAS note
10.4	Egg-based desserts (e.g., custard)	CCC/ISA provided an example of 1 product from 1 country that does not meet the 25% energy reduction and has sugar added. EU provided examples of 2 products covering 2 countries that have no sugar added. 4 other participants did not support the introduction of at "at least 25% energy reduction or no added sugar" note, but gave no examples. 4 other participants supported the "at least 25% energy reduction or no added sugar" note but did not provide examples	No agreement Maintain 161
14.1.3.2	Vegetable nectar	The EU provided an example of 1 product, covering 1 country, that either has at least 25% energy reduction or has no sugar added. 2 participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 1 other participant supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	The only example provided meets conditions of ERONAS note, therefore suggest replace note 161 with ERONAS note
14.1.3.4	Concentrates for vegetable nectar	1 respondent said they were aware of products on the market that are at least 30% ER or NAS, but gave no examples.	Replace 161 with ERONAS note

Food Category No.	Title	Summary of responses	eWG Chair Recommendation
		1 respondent supports the use of a new note but is not concerned if the reduction is 25 or 30%. 2 participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples.	
14.1.4	Water-based flavoured drinks, including "sport," "energy," or "electrolyte" drinks and particulated drinks	The CCC, ICBA and China provided examples of 43 products, covering 13 countries that do not meet the 25% energy reduction, or have added sugar. The EU provided examples of 20 products, covering 7 different countries, that either have at least 25% energy reduction or have no sugar added. 9 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 1 other participant supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No agreement Maintain 161
14.1.5	Coffee, coffee substitutes, tea, herbal infusions, and other hot cereal and grain beverages, excluding cocoa	The CCC, ICBA and China provided examples of 116 products, covering 12 countries that do not meet the 25% energy reduction, or have added sugar. The EU provided an example of 1 product, covering 1 country, that either have at least 25% energy reduction or have no sugar added. 7 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 1 other participant supported the 'at least 25% energy reduction or no added sugar' note, but did not provide examples.	No agreement Maintain 161

List 4A: Food categories where energy reduction may be the issue and where consideration as to whether Note 161 can be replaced with a Note concerning energy reduction/'no added sugar'. (2 food categories)

Food Category No.	Title	Summary of responses	
12.5	Soups and broths	The CCC and Japan provided examples of 8 products, covering 5 different countries, that do not meet the 25% energy reduction and have sugar added. CCC and Japan said the sweeteners also mask the bitter taste/improve the overall taste as well as reducing the energy of the product. No examples were provided of products that either have at least 25% energy reduction or have no sugar added. 5 other participants did not support the introduction of a 'at least 25% energy reduction or no added sugar' note, but gave no examples. 4 other participants and the EU supported if a revised energy reduced note is introduced i.e. 'at least 25% energy reduction' note, but did not provide examples.	No agreement Maintain 161

Food Category No.	Title	Summary of responses	
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	No examples were given for products that either meet or do not meet the 'at least 25% energy reduction or no added sugar' note. 5 participants did not support the introduction of an 'at least 25% energy reduction or no added sugar' note, but gave no examples. 2 participants only supported the use in energy reduced products. 2 participants supported the introduction of an 'at least 25% energy reduction or no added sugar' note.	No examples have been provided suggest discontinue/revoke provision or replace with ERONAS note

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

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
04.1.2.3	Fruit in vinegar, oil, or brine	Last year, discussion on this food category was not about energy reduction. There was broad support to replace Note 161 with existing Note 144: "For use in sweet and sour products only". **Do you consider there are strong arguments for use in a wider range of foods within this food category, and if so, what are those arguments?** **Are there any additional specific products that could be identified in an alternative note?**	The EU, USA, Japan, South Africa, Iraq, BEUC and ISA responded – all supported replacing Note 161 with Note 144 "For use in sweet and sour products only". There were no respondents who did not support using Note 144.	Replace Note 161 with Note 144
04.2.2.2	Dried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds	Last year, discussion on this food category was not about energy reduction. There was broad support to replace Note 161 with a new note: "For use in dried seaweed only". **Do you consider there are strong arguments for use in a wider range of foods within this food category, and if so, what are those arguments?** **Are there any additional specific products that could be identified in an alternative note**	The CCC provided examples of 4 products [not seaweed], from 3 countries. Japan, ISA, EU, Costa Rica and BEUC support the use of "For use in dried seaweed only". USA support the use of Note 144.	Replace with two notes - note 144 and **"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	Last year, discussion on this food category was not about energy reduction. There was broad support to replace Note 161 with existing Note 144: "For use in sweet and sour products only". **Do you consider there are strong arguments for use in a wider range of foods within this food category,**	All respondents support (or can accept) to replace Note 161 with existing Note 144: "For use in sweet and sour products only".	Replace Note 161 with existing Note 144: "For use in sweet and sour products only".

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
		and if so, what are those arguments? **Are there any additional specific products that could be identified in an alternative note?**		

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

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
01.3.2	Beverage whiteners	In last year's eWG, discussion on this food category was not about energy reduction but about technological justification. There was considerable support for discontinuation, with a minority in favour of continuing. **Is the issue whether this food category includes products such as whitener/sweetener mixes (e.g., for use in hot drink (coffee) vending machines)? If not included in this food category, where would such products be placed?**	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. USA, Canada, Malaysia, CCC and ISA consider this food category includes products such as whitener/sweetener mix. USA suggested introducing a new note "For use in pre-sweetened beverage whiteners only".	Suggest a new note "For use in pre-sweetened beverage whiteners only". (in at least some cases products could meet ERONAS conditions when no sugars added)
01.4.4	Cream analogues	In last year's eWG, discussion on this food category was not about energy reduction but about technological justification. There was considerable support for discontinuation, with a minority in favour of continuing. Technological justification was provided that sweeteners were used in the manufacture of pre-sweetened cream analogues with no added carbohydrates, no added flavours and no other added foods. **Why is it necessary to produce *pre-sweetened* cream analogues, and how does this compare with the positioning of a sugar-sweetened cream within the food category system?**	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. USA, CCC and ISA suggested that pre-sweetened cream analogues provide consumers with a lower calorie, sweet tasting alternative to sugar sweetened food. It was also suggested that this food category is inclusive of sweetened and non-sweetened products i.e. it does not differentiate between pre-sweetened (with a high-intensity sweetener) and sugar-sweetened products. USA suggested that if a distinction needs to be made between these products then, a new note "For use in pre-sweetened cream analogues only." could be used.	Suggest a new note "For use in pre-sweetened cream analogues only". (in at least some cases products could meet ERONAS conditions when no sugars added).
01.5.2	Milk and cream powder analogues	In last year's eWG, discussion on this food category was not about energy reduction but about technological justification. There was considerable support for discontinuation, with a	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked.	Suggest a new note "For use in pre-sweetened milk and cream

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
		minority in favour of continuing. **Is the issue whether this food category includes milk powder analogue/sweetener mixes? If not included in this food category, where would such products be placed?**	USA, CCC and ISA suggested that pre-sweetened milk and cream powder analogues with no added carbohydrates, no added flavours and no other added foods provide consumers with a lower calorie, sweet tasting alternative to sugar sweetened food. Addition of carbohydrates to such products may result in browning reactions with impaired appearance of the product and impaired value of proteins while intense sweeteners remain inert. It was also suggested that this food category is inclusive of sweetened and non-sweetened products i.e. it does not differentiate between milk powder analogues that contain a sweetener and those that do not. USA suggested that if a distinction needs to be made between these products then, a new note “For use in pre-sweetened milk and cream powder analogues" could be used.	powder analogues". (in at least some cases products could meet ERONAS conditions when no sugars added)
01.6.1	Unripened cheese	In last year’s eWG, discussion on this food category was not about energy reduction but about technological justification. Use appears to many to be inconsistent with Commodity Standards 221-2001, 262-2007, 273-1968, 275-1973 and 283-1978.There was considerable support for discontinuation, with a minority in favour of continuing. **Are there any specific products that could be identified in an alternative note? What is the justification, consistent with section 3.2 of the Preamble to the GSFA, for such products?**	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. The USA and CCC provided low fat cottage cheese (a diet product) as an example that fits in this food category. Sweeteners could be used in flavoured versions of these products, where some sweetness is needed, without affecting the energy value. The USA suggested a possible new note:- "For use in flavoured un-ripened cheese only." The IDF think this category includes sweetened products with fruits like flavoured yoghurt.	Suggest a new note "For use in flavoured un-ripened cheese only”.
01.6.5	Cheese analogues	In last year’s eWG, discussion on this food category was not about energy reduction but about technological justification. There was considerable support for discontinuation, with a minority in favour of continuing. Technological justification was provided that carbohydrates are degraded by lactic acid bacteria whereas artificial sweeteners are not. **Chair suggests that it has not been made clear as to why**	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. The USA, CCC and ISA consider that in manufacturing of certain types of pre-sweetened un-ripened cheese analogues, the non-nutritive sweetener provides sweetness as well as modifies the perception of acid profile that is generated during the processing. The nutritive sweetener in	Suggest a new note "For use in pre-sweetened products only". (in at least some cases products could meet ERONAS

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
		either carbohydrate or sweetener need to be added to make a cheese analogue. Can supporting information be provided?	such products may be degraded by bacteria used in the process, resulting in a loss of sweetness and production of degradation products that may affect the desired taste of the cheese. The USA suggested a possible new note:- "For use in pre-sweetened products only."	conditions when no sugars added)
04.1.2.1	Frozen fruit	In last year's eWG, discussion on this food category was not about energy reduction but about technological justification. Use appears to many to be inconsistent with Commodity Standards 52-1981, 69-1981, 75-1981, 76-1981 and 103-1981. There was considerable support for discontinuation, with a minority in favour of continuing. **Are there any specific products that could be identified in an alternative note? What is the justification, consistent with section 3.2 of the Preamble to the GSFA, for such products?**	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. Technological justification provided by USA, CCC and ISA:- Some non-standardised fruit products are on the market that are pre-sweetened with sugar or to which sweeteners are added (sugar-free products) which are sometimes frozen in a juice or a syrup (such as frozen fruit salad). Possible new notes have been suggested: USA - "For use in pre-sweetened products with no added sugar only." (If necessary, an additional note: "For use in non-standardized food only.") CCC - "For sweetened no sugar added products only."	Suggest a new note "For products in a syrup or juice with no added sugar only"
04.1.2.2	Dried fruit	In last year's eWG, discussion on this food category was not about energy reduction but about technological justification. Use appears to many to be inconsistent with Commodity Standards 130-1981, 067-1981 and 177-1981. There was considerable support for discontinuation, with a minority in favour of continuing. **Are there any specific products that could be identified in an alternative note? What is the justification, consistent with section 3.2 of the Preamble to the GSFA, for such products?**	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. Technological justification provided by USA, CCC, Malaysia and ISA:- In drying fruit, several compounds are generated that can impact the taste profile (acidity, sweetness, tartness) of the fruit. High-intensity sweeteners provides an option to modify the taste profile without contributing additional calories or simple carbohydrates. High-intensity sweeteners allow production of pre-sweetened sugar-free products, providing diabetics or consumers with options containing less sugar. Possible new notes have been suggested: USA - "For use in pre-sweetened products only." (If necessary, an additional note: "For use in non-	Suggest a new note "For use only in non standardised energy-reduced products or products with no added sugars as defined in CAC/GL 23-1997"

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
			standardized food only.") Malaysia - the existing Note 208 “For use in dried and dehydrated products only”.	
04.1.2.7	Candied fruit	In last year’s eWG, discussion on this food category was not about energy reduction but about technological justification. There was considerable support for discontinuation, with a minority in favour of continuing. Technological justification was provided that candied fruit produced without sugar requires the use of a bulk sweetener to get a firm texture, and an intense sweetener because bulk sweeteners are less sweet than sugar. One comment suggested limiting the use to candied plums only, explaining that use of intense sweeteners reduces the viscosity (and osmotic pressure) of syrup enabling better infiltration into the fruit. **With the additional justification given, the Chair suggests the options are:** • **Permit use of intense sweeteners; or** • **Limit use to candied plums only; or** • **Limit use to products with no added sugar.** **Participants are invited to comment on whether one, or more, of these options are acceptable.**	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. A variety of responses were received:- USA - Could be limited to candied plums ("For use in candied plums only."), unless other specific candied fruits can be identified. Japan - A new note, "For use in glazed Japanese plums only Malaysia - “Permit use of intense sweeteners” CCC - suggested that low calorie sweeteners should be permitted in this category.	Suggest new note “For use in candied plums only”
04.2.2.1	Frozen vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds	In last year’s eWG, discussion on this food category was not about energy reduction but about technological justification. Use appears to many to be inconsistent with Commodity Standards 38-1981 and 39-1981. There was considerable support for discontinuation, with a minority in favour of continuing. **Are there any specific products that could be identified in an alternative note? What is the justification, consistent with section 3.2 of the Preamble to the GSFA, for such products?**	5 respondents considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. CCC and ISA consider there is justification for these products for use of low-calorie sweeteners as they are used to provide the consumer with lower calorie, sweet-tasting alternatives to sugar-sweetened foodstuffs. Sweetening agents can balance the acidity of vinegar used in these products and provide a balanced sweet-sour taste. Aspartame is not degraded by lactic acid bacteria which may occur in brined products and can therefore improve shelf stability.	No examples provided, therefore suggest Discontinue/revoke

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
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	In last year's eWG, discussion on this food category was not about energy reduction but about technological justification. Use appears to many to be inconsistent with Commodity Standards 13-1981, 38-1981, 145-1985, 241-2003 and 297-2009. There was considerable support for discontinuation, with a minority in favour of continuing. **Are there any specific products that could be identified in an alternative note? What is the justification, consistent with section 3.2 of the Preamble to the GSFA, for such products**?	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. Australia has identified one product on their market that they consider falls under this category – a baked bean product in a pouch. ISA and CCC consider there are products that would be affected by an alternative Note, and CCC have provided 10 examples of products in this category. They consider the 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 vegetable.	Suggest new note 'ERONAS'
12.2.1	Herbs and spices	In last year's eWG, discussion on this food category was not about energy reduction but about technological justification. There was considerable support for discontinuation, with a minority in favour of continuing. There may be an issue about the classification of a product as a 'spice' (food category 12.2.1, which includes 'spice blends') and a 'seasoning' (food category 12.2.2). There may be some products on the market that are mixtures of herbs and spices together with other food ingredients (such as salt, vinegar, lemon juice, molasses, honey or sugar – and hence products where sweeteners have been used to replace the sugar). **Are there specific products included under "spices" in food category 12.2.1 that can be identified as distinct from a straight mixture of spices? If so, please provide specific examples. Would such products be better considered as "seasonings" (food category 12.2.2) rather than 'herbs and spices'?**	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. USA, Malaysia and Thailand confirmed that there are some sub-categories of spices in 12.2.1 which are mixes of herbs and spices together with other food ingredients where sweeteners are used. All agreed that such products should be considered as seasonings (f c 12.2.2) rather than herbs and spices. No participants disagreed with this conclusion.	Discontinue/revoke
12.3	Vinegars	In last year's eWG, discussion on this food category was not about energy reduction but about technological justification. There was considerable support for discontinuation, with a minority in favour of continuing. 'Vinegar' appears to have a clear meaning in the food category system as a product of fermentation from a variety of sources. **Is the issue that some vinegars are flavoured with food**	5 responders considered the technological need had not been demonstrated and thought the provisions should be discontinued or revoked. It was reported that sweeteners are used in vinegars where they round the taste profile. It was noted that sugar/other carbohydrates may not be stable in vinegar. Two participants (USA and SA) said this category covered	No agreement Maintain 161

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
		ingredients (including sugar – hence a possible replacement with an intense sweetener)? If so, are such flavoured vinegars included in this food category?	both flavoured and unflavoured vinegars. Specific examples were given of sugar and sweeteners in both flavoured vinegar (e.g. apple, plum vinegar) and vinegars which contained no added flavourings or flavouring ingredients (except sugar). Such products are available in China, Japan, South Korea and Taiwan. China reported the sweetener was used as a flavour enhancer in their example.	

List 4B: Food categories where energy reduction does not appear to be an issue. (6 food categories)

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
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)	Last year discussion on this food category was not about energy reduction. There was a suggestion that Note 161 might be replaced by a new Note: "For use only in tomato jam." However, some comments indicated that this would be inconsistent with the commodity standard on tomato concentrates (CODEX STAN 57-1981). **Is there is a clear difference between tomato jam and tomato concentrates? If so, what is it? If there is a difference, can the proposed new note be applied to this provision?**	No examples or technological justification provided. 4 respondents support revocation and there is no support for the proposed new note. 1 participant would prefer no note.	Discontinue/revoke
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	From last year's discussion there appear to be some specific foods where sweeteners are technologically justified. **Should Note 161 be replaced with a new Note: "For use only in sweet red-bean paste (an) and bean-based vegetable dessert (namagashi)"?** **Should inclusion of candied vegetables and crystallised ginger in the new Note follow the outcome of the discussion on category 4.1.2.7 (Candied fruit) in List 3, above?**	No support for proposed new note "For use only in sweet red-bean paste (an) and bean-based vegetable dessert (namagashi) though Japan proposed an alternative "For use only in Japanese traditional sweets containing boiled bean paste". USA agreed with the recommendation that the inclusion of Candied vegetables and crystallised ginger in the new Note should follow the outcome of the discussion on category 4.1.2. (candied fruit) in list 3 above. CCC and Costa Rica considered no note is	Suggest new notes 'In crystallised ginger only' and 'For use only' in traditional sweets containing boiled bean paste.

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
			needed for this food category as sweeteners are technically justified.	
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	**From last year's discussion, should Note 161 be replaced with Note 144: "For use in sweet and sour products only"?**	No examples or technological justification provided. Two respondent supports discontinuation. 4 respondents support replacing Note 161 with Note 144 ("For use in sweet and sour products only".	Suggest replacing Note 161 with existing Note 144: "For use in sweet and sour products only".
04.2.2.8	Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds	**Are there examples of the products in this food category where the use of a sweetener is consistent with Section 3.2 of the Preamble to the GSFA?**	Technological justification from Japan:- Aspartame is used in boiled beans. Sweetener is used due to not only reduce energy (less than 25%) but also avoid water loss from bean and brown discoloration caused by reaction between sugars and amino acid CCC considered that low calorie sweeteners were justified in this food category, had been approved by CCFA and incorporated into the GSFA and that no note was necessary. Two respondents support revocation.	Replace note 161 with 'For use in boiled beans only'.
07.1	Bread and ordinary bakery wares and mixes	In last year's eWG, discussion on this food category was not about energy reduction, but about technological justification. The technological use of sugar (as a food source for yeast) in making bread cannot be replaced with a sweetener. **Are there examples of bread and ordinary bakery wares where use of a sweetener is consistent with Section 3.2 of the Preamble to the GSFA? If so, what are they?**	The CCC, USA and Japan provided examples of 60 products, covering 6 different countries, that either do not meet the 25% energy reduction, or have sugar added. 3 other participants and the EU did not support the use of sweeteners in this category 1 other participant supported the use of sweeteners in this category.	No agreement, maintain 161
12.2.2	Seasonings and condiments	Last year discussion on this food category was not about energy reduction. **Should Note 161 be replaced by a new note: "For use only in liquid seasonings or in *furikake* (topping to sprinkle on**	There was no support for the proposed new Note **"**For use only in liquid seasonings or in furikake (topping to sprinkle on rice)." Japan does not support new note because both Aspartame and Acesulfame potassium are used	No agreement: Maintain 161

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
		rice)."?	not only in furikake(topping to sprinkle on rice) but also in other dried seasonings and condiments. Justification: It is difficult to manufacture dehydrated seasonings and condiments with high sugar content because sugar has high moisture absorbancy compared to sweeteners. In use of sweeteners, manufactures are able to reduce carbohydrate with sweet taste. Thailand pointed out that there are many products in this food category other than liquid seasonings or furikake and the proposed note would restrict the use of sweeteners unnecessarily.	

List 4C: Food categories where sweetener substances may be used as flavour enhancers. (2 food categories)

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
1.1.2	Dairy-based drinks, flavoured and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)	**Is use of sweeteners as flavour enhancers in this food category, consistent with Section 3.2 of the Preamble to the GSFA?** **At what maximum level does each sweetener (aspartame, acesulfame-K, and aspartame-acesulfame salt) function as a flavour enhancer and <u>not</u> as a sweetener?**	Two respondents state it is used but no examples provided. <u>Use levels</u> In Brazil allowed as a flavour enhancer with a maximum level of acesulfame 70 mg/kg (350mg as a sweetener). In India allowed as a flavour enhancer with a maximum level of aspartame 600 ppm	Set limits for sweeteners (when used as a flavour enhancer) Acesulfame K – 70 mg/kg Aspartame limits to be discussed.
5.3	Chewing gum	**Is use of sweeteners as flavour enhancers in this food category, consistent with Section 3.2 of the Preamble to the GSFA?** **At what maximum level does each substance (aspartame, acesulfame-K, and aspartame-acesulfame salt) function as a flavour enhancer and <u>not</u> as a sweetener?**	5 participants and the EU agreed that sweeteners can function as flavour enhancers in this food category and stated that this is consistent with Section 3.2 of the Preamble to the GSFA. The ICGA provided examples of 31 products covering 9 different countries where the sweeteners were classed as flavour enhancers. Two respondent did not support (or allow) the use of sweeteners as flavour enhancers. One reported that it could be misleading to consumers. ***ICGA*** *suggested alternative notes to allow sweeteners in 'added sugar gums' that do not meeting the ER*	Set limits for sweeteners (when used as a flavour enhancer) in chewing gum with added sugar Aspartame 2500 mg/kg and acesulfame K 800 mg/kg

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
			criteria. The alternative notes are listed below • *New note to the adopted aspartame provision in chewing gum: Note ASP_CG: "When aspartame is used in chewing gum with added sugars or polyols, its use level should not exceed 2.500 mg/kg."* • *New note to the adopted acesulfame K provision in chewing gum: Note ASK_CG: "When acesulfame potassium is used in chewing gum with added sugars or polyols, its use level should not exceed 800 mg/kg."* • *New note to Salt of Aspartame-Acesulfame in chewing gum: Note ASPAS_CG: "When the salt of aspartame-acesulfame is used in chewing gum with added sugars or polyols, its use level should not exceed 800 mg/kg, expressed as acesulfame potassium".* *This provision should also have another existing Codex GSFA Notes added, in particular:* • *Note 113 currently stating: "Note 113 Use level reported as acesulfame potassium equivalents (the reported maximum level can be converted to an aspartame-acesulfame salt basis by dividing by 0.44). Combined use of aspartame acesulfame salt with individual acesulfame potassium or aspartame should not exceed the individual maximum levels for acesulfame potassium or aspartame (the reported maximum level can be converted to aspartame equivalents by dividing by 0.68)."* • *Note 191 currently stating: "Note 191: Not to exceed the maximum use level for aspartame (INS 951) singly or in combination with aspartame-acesulfame salt (INS 962)"* • *Note 188 currently stating: "Note 188 Not to exceed the maximum use level for acesulfame potassium (INS 950) singly or in combination with aspartame-acesulfame salt (INS 962).", as*	

Food Category No.	Title	Position/Questions	Summary of responses	eWG Chair Recommendation
			appropriate. <u>Use level</u> Costa Rica reported that the amount of each sweetener is approximate 1% or less in the final formula of the product when used as a flavour enhancer. The EU reported the following use levels for flavour enhancer function. Aspartame ML = 2 500 mg/kg; Acesulfame K = 800 mg/kg In Brazil allowed as a flavour enhancer with a maximum level of aspartame 2500 mg/kg and the acesulfame with a maximum level of 800 mg/kg .	

Annex C: Food categories considered, grouped according to the summary view of the eWG Chair on the proposed way forward.

List T: Food categories where Note 161 should be maintained

Food Category No.	Title
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)
03.0	Edible ices, including sherbet and sorbet
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
05.1.3.	Cocoa-based spreads, including fillings
05.1.4	Cocoa and chocolate products
05.2.1	Hard candy
05.2.2	Soft candy
05.4	Decorations (e.g., for fine bakery wares), toppings (non-fruit) and sweet sauces
06.3	Breakfast cereals, including rolled oats
10.4	Egg-based desserts (e.g., custard)
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 U: Food categories where Note 161 should be maintained

Food Category No.	Title
04.1.2.10	Fermented fruit products
04.1.2.12	Cooked fruit
05.2.3	Nougats and marzipans
12.5	Soups and broths
07.1	Bread and ordinary bakery ware and mixes
12.2.2	Seasonings and condiments
12.3	Vinegars

List V: Food categories where Note 161can be replaced by ERONAS note

Food Category No.	Title
02.4	Fat-based desserts excluding dairy based dessert products of food category 01.7
04.1.2.4	Canned or bottled (pasteurized) fruit

Food Category No.	Title
06.5	Cereal and starch based desserts (e.g., rice pudding, tapioca pudding)
14.1.3.2	Vegetable nectar
14.1.3.4	Concentrates for vegetable nectar
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
04.2.2.4	Canned or bottled (pasteurised) or retort pouch vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, ands aloe vera), and seaweeds
05.3	Chewing gum

List W: Food categories where Note 161 can be replaced by ERONAS note (or provision discontinued/revoked)

Food Category No.	Title
02.3	Fat emulsions mainly of type oil-in water, including mixed and/or flavoured products based on fat emulsions
04.1.2.11	Fruit fillings for pastries
04.1.2	Processed Fruit
05.1.5	Imitation chocolate, chocolate substitute products

List X: Food categories where Note 161 can be replaced by a more specific note

Food Category No.	Title	Recommendation
04.1.2.3	Fruit in vinegar, oil, or brine	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	Replace with existing note 144 “ For use in sweet and sour products only” and 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	Replace with existing note 144: “For use in sweet and sour products only”.
01.3.2	Beverage whiteners	Replace with new note “For use in pre-sweetened beverage whiteners only”
01.4.4	Cream analogues	Replace with a new note “For use in pre-sweetened cream analogues only”
01.5.2	Milk and cream powder analogues	Replace with a new note “For use in pre-sweetened milk and cream powder analogues only”
01.6.1	Unripened cheese	Replace with a new note “For use in flavoured unripened cheese only”
01.6.5	Cheese analogues	Replace with a new note “For use in pre-sweetened products only”
04.1.2.1	Frozen fruit	Replace with a new note “For products in a syrup or juice with no added sugar only”
04.1.2.2	Dried fruit	Replace with a new note “For use only in non standardised

Food Category No.	Title	Recommendation
		energy-reduced products or products with no added sugars as defined in CAC/GL 23-1997”
04.1.2.7	Candied fruit	Replace with a new note “For use candied plums only”
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	Replace with new notes “‘In crystallised ginger only” and “For use in traditional sweets containing boiled bean paste only”
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	Replace with existing note 144: “For use in sweet and sour products only”.
04.2.2.8	Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds	Replace with new note “for use in boiled beans only”

List Y: Food categories where provision could be adapted to reflect use as flavour enhancer.

Food Category No.	Title	eWG Chair recommendation
01.1.2	Dairy-based drinks, flavoured and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)	Limits could be set via notes for the levels justified for flavour enhancer use
05.3	Chewing gum	Set limits via new note for additive when used as a flavour enhancer in chewing gum with added sugar Aspartame 2500 mg/kg and acesulfame K 800 mg/kg

List Z: Food categories where the use of the three sweeteners can be discontinued or revoked.

Food Category No.	Title
04.2.2.1	Frozen vegetables
12.2.1	Herbs and spices
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)