codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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Agenda Item 14 **CX/FFP 09/30/15**

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FISH AND FISHERY PRODUCTS

Thirtieth Session

Agadir, Morocco

28 September – 2 October 2009

FOOD ADDITIVE PROVISIONS IN STANDARDS FOR FISH AND FISHERY PRODUCTS

COMMENTS

(Australia, European Community, IFAC and NATCOL)

AUSTRALIA

Australia supports the need to review the additive provisions in the various fish and fishery products standards in order to remove any inconsistency between the provisions in the commodity standards and the GSFA which should be the primary reference tool for food additives for Codex standards. The question of how to complete this review in a timely and efficient manner must be addressed by this session of the Committee in Agadir, Morocco. We would hope to see that discussion included the development of a timeline for concluding this review and a plan for ensuring the involvement of the Food Additives Committee.

EUROPEAN COMMUNITY

As a general comment, the European Community (EC) would like to give its support for an alignment between the food additive provisions from commodity standards and the General Standard on food additives (GSFA), so that the GSFA could become at a later stage the single authoritative reference for food additives in Codex. The situation is currently very confusing as food additive provisions differ between the commodity standards and the GSFA.

Nevertheless, the EC would like to reiterate that Commodity Committees must evaluate the technological justification for the use of individual food additives, and list the additives that really achieve the desired effect in the respective food categories. This basic principle is enshrined in the Procedural Manual of the Codex Alimentarius dedicated to the relations between Commodity Committees and General Committees since one can read in section II that "*All provisions in respect of food additives contained in commodity standards will require endorsement by the Codex Committee on Food Additives, on the basis of technological justification submitted by the commodity committees...*". Therefore the EC is of the opinion that some restrictions on food additives should be maintained or set in foodstuffs covered by commodity standards where technological justifications can not be demonstrated even if these food additives can be authorised in a broader food category of the GSFA where these foodstuffs fall into.

P.3 of Annex I/ sub category 09.1.1. The EC is strongly opposed to authorised colours in unprocessed fish as we see no technological need for their use in this product and on the basis of the potential to mislead the consumers.

P.3 of Annex I/ sub category 09.1.2 and Draft Stan for live and raw bivalve molluscs. With regard to raw bivalve molluscs, the report of the 29th session of the Codex committee on fish and fish products (Alinorm 08/31/18) confirms that a limited number of food additives should be allowed in these products as one can read in paragraph 102 "*The Committee agreed that the only additives allowed in this product were antioxidants listed in the relevant food categories (09.1.2 and 09.2.1) in the General Standard for Food additives. The Committee noted that several colours were currently included in the GSFA but confirmed its earlier decision (*Alinorm 07/30/18) *that colours should not be allowed in bivalve molluscs*". Therefore, EC recommends taking into account these conclusions which confirm the absence of technological justification. EC therefore does not support the authorisation of any colour in raw bivalve molluscs as it could mislead the consumers. EC suggests taking into account these conclusions to revise the corresponding sub-category 09.1.2 of the GSFA accordingly, where the .use of colours is permitted for decoration, stamping, marking or branding products (Note 4 in the GSFA) and for use in glaze, coatings, or decorations for fruits, vegetables, meat or fish (Note 16 in the GSFA) according to Alinorm 08/31/12 (paragraph 66).

P.4 of Annex I/sub category 09.2.1.

EC takes note that Indigotine is only authorised in Surimi and Fish roe products (Note 95) in the sub category 09.2.1. This information should be reflected when updating the individual standards.

P.4 of Annex I / sub category 09.2 and all Stan for quick frozen fish and fishery products.

A direct alignment should be considered carefully. Indeed, provisions on food additives in 09.2 of GSFA do only refer to processed fish and fishery products. These restrictions should be reflected in the corresponding Standards. The note 95 of GSFA could be added to solve the problem.

P.4 of Annex I. The EC would like to note that Ascorbyl esters are not allowed in unprocessed fish in the EU.

P.4/5 of Annex I / sub category 09.2.1 and Stan for quick frozen Finfish and Standard for quick block fish fillet. EC does not support the use of BHA/BHT in these products due to their very low SCF-ADI's (respectively 0.5 and 0.05).

P.5 of Annex I / sub category 09.2.1 and alignment of EDTA provisions in GSFA with corresponding fishery products Standards

Due to the low numerical ADI of EDTA, the EC supports the addition of EDTA in fishery standards where the fish is canned or stored in bottles, but not for the treatment of unprocessed and fresh fish.

P.5 of Annex I / sub category 09.2.1 and alignment of Sulfite provisions in GSFA with the Fish and fishery product standards.

The EC does not support the addition of sulfites to Standards for quick frozen finfish and for quick frozen blocks of fish fillet. In its 69th meeting, the JECFA has outlined that ADI could be exceeded both for children and adults. In addition the CCFA has agreed (Alinorm 09/32/12 paragraph 28) to review the adopted and draft maximum levels of sulfites in the GSFA. EC recommends postponing any decision until CCFA has reviewed the current levels of sulfites already set in the GSFA.

P.6 of Annex I / sub category 09.2.2 and alignment of BHA/BHT provisions in GSFA with Stan for quick frozen fish sticks.

The EC does not support the use of BHA/BHT in these products due to their very low SCF-ADI's (respectively 0.5 and 0.05).

P.6 of Annex I / sub category 09.2.2 and alignment of thiodipropionates provisions in GSFA with corresponding Stan.

The EC notes that this food additive is not authorised in Europe and other countries.

P.7 of Annex I / sub category 09.2.4 and alignment of Aluminium sulphate provisions in GSFA with corresponding standards.

The EC does not support the addition of Aluminium sulphate in cooked and / or fried fish and fish products and questions the technological justification. In addition, EC would like to remind that JECFA has revaluated the dietary intake of aluminium from all sources, including food additives, and established a PTWI of 1 mg/kg bw which is 7 times lower than the previous PTWI. JECFA also noted that 'the PTWI is likely to be exceeded to a large extent by some population groups, particularly children, who regularly consume foods

that included aluminium-containing additives'. Therefore EC is strongly opposed using aluminium based food additives, in particular in foodstuffs potentially consumed in large quantity or by children.

P.8 of Annex I / sub category 09.2.4.1 and alignment of GSFA food colours provisions with corresponding standards.

First of all, the Codex Document CX/FA 07/39/9, Appendix II, indicates, as a horizontal approach, that the food colours should be authorised in sub category 09.2.4.1 with the foot note 95 (for use in surimi and fish roe only). This note should then be assigned to all colours of page 8. This note is missing for Allura Red, Brilliant Blue, Carotene, Carmine, and Fast green.

P8. of Annex I / sub category 09.2.4.1.

The EC does not support the use of saccharins in the sub category 09.2.4.1 as there is not technological justification.

P11. of Annex I / sub category 09.2.5. and alignment of BHA/BHT provisions with corresponding standards

The EC does not support the use of BHA/BHT in these products due to their very low SCF-ADI's (respectively 0.5 and 0.05).

P11. of Annex I / sub category 09.2.5. and alignment of fast green provisions in GSFA with corresponding fishery products standards

The EC notes that this food additive is not authorised in Europe and other countries.

P12. of Annex I / sub category 09.2.5. and alignment of propyl gallate provisions in GSFA with corresponding fishery products standards

The EC does not support the use of propyl gallate in these products due to its very low ADI and the potentiality to exceed the ADI.

P13. of Annex I / sub category 09.3. and alignment of Acesulfame K, Aspartame, and their double salts (E 952).

The EC recommends that the note 144 "for use in sweet and sour products only" be added in the GSFA and the corresponding fishery products standards to be coherent with the provisions currently in place for E 950 and E 951 where the note 144 of the GSFA applies.

P13. of Annex I / sub category 09.3. and alignment of BHA/BHT with the corresponding standards

The EC does not support the use of BHA/BHT in these products due to their very low SCF-ADI's (respectively 0.5 and 0.05).

P15. of Annex I / sub category 09.3.2. and alignment of grape skin extracts in GSFA with the corresponding fishery products standards

The note 16 "For use in glaze, coatings or decorations for fruit, vegetables, meat or fish" should be added as this note was assigned in the Alinorm 09/32/12 (Appendix IV) for sub-category 09.3.2.

P.15 and 16 of Annex I / sub category 09.3.3 and Draft Stan for surgeon caviar.

With regard to sturgeon Caviar, the EC would like to remind that the Committee agreed in its 27th session (Alinorm 05/28/18, paragraph 140) that the use of colorants should not be allowed in these products and that only boric acid and sodium tetra borate should be authorised. On the absence of technological justification; EC therefore oppose to authorise colours in these products which could mislead consumers. EC is therefore of the opinion that the sub-category 09.3.3 of the GSFA should be amended accordingly.

P16. of Annex I / sub category 09.3.4. and alignment of Allura Red provisions in GSFA with corresponding fishery products standards

The EC considers the ML of Allura Red too high. 100 mg/kg should be sufficient to achieve the desired effect. Technological justification is requested.

P17. of Annex I / sub category 09.3.4. and alignment of Sunset yellow provisions in GSFA with corresponding fishery products standards

The EC considers the ML of sunset yellow too high. 100 mg/kg should be sufficient to achieve the desired effect. Technological justification is requested.

P18. of Annex I / sub category 09.4. and alignment of double salt (E 952) provisions in GSFA with corresponding fishery products standards

The EC recommends that the note 144 "for use in sweet and sour products only" be added in the GSFA and the corresponding fishery products standards to be coherent with the provisions currently in place for E 950 and E 951 where the note 144 of the GSFA applies.

P13. of Annex I / sub category 09.4. and alignment of BHA/BHT with the corresponding standards

The EC does not support the use of BHA/BHT in these products due to their very low SCF-ADI's (respectively 0.5 and 0.05).

P18/19. of Annex I / sub category 09.4. and alignment of provisions for colours in GSFA with corresponding fishery products standards

The Codex Document CX/FA 07/39/9, Appendix II, indicates, as a horizontal approach, that the food colours should be authorised in sub category 09.4 with the foot note 95 (for use in surimi and fish roe only). This note should then be assigned to all colours of pages 18 and 19. This note is missing for carmines, carotenoid, grape skin extract, indigotine, ponceau 4R.

P19. of Annex I / sub category 09.4. and alignment of fast green provisions in GSFA with corresponding fishery products standards

The EC notes that this food additive is not authorised in Europe and other countries.

P19. of Annex I / sub category 09.4. and alignment of neotame provisions in GSFA with corresponding fishery products standards

The EC notes that this food additive is not authorised in Europe and other countries.

P19. of Annex I / sub category 09.4. and alignment of EDTA provisions in GSFA with corresponding fishery products standards

The EC considers that the ML is very high and questions the technological need of such a high ML. 75 mg/kg should be sufficient to reach the desired effect.

INTERNATIONAL FOOD ADDITIVES COUNCIL (IFAC)

Comments on Table I: Food additive provisions in GFSA and corresponding provisions in related standards for fish and fishery products

For categories 9.2, 9.3 and 9.4, we request that all phosphates be included at a level of 10g/kg (as phosphorus) as a "stabilizer." These phosphates are INS 338-343 and INS 450-452.

However, for Category 9.2.5 (Smoked, dried, fermented, and/or salted fish and fish products, including molluscs, crustaceans, and echinoderms) we request that the following be added:

INS 450(i) Disodium Pyrophosphate at 5000 mg/kg

INS 451(i) Pentasodium Triphosphate at 5000 mg/kg

Comments on Table II: Food additive provisions in standards for fish and fishery products

For all Codex Standards, we request that all phosphates be listed for use. This includes INS 338-343 and INS 450-452 at a level of 10 g/kg (as phosphorus), unless otherwise noted below.

- For the CODEX STAN 37 – 1999 for canned shrimps or prawns, p. 21, section 2, under the "Sequestrant" heading, we recommend adding:

  INS 450(i) Disodium Pyrophosphate at 5000 mg/kg

- For the CODEX STAN 92-1981 for Quick Frozen Shrimp or Prawns, p. 23, section 2, it appears that the phosphates and ascorbic acid are listed twice in this section; we request that these substances only be listed once.

- For the CODEX STAN 119-1981 for Canned Finfish, p. 25, we request that a section be added in the center column titled "Moisture/Water Retention Agents, "and include:

450(i) Disodium Pyrophosphate

451(i) Pentasodium Triphosphate

452(i) Sodium Polyphosphate

The level for all three above should be 10 g/kg (as phosphorus), singly or in combination (includes natural phosphate).

- Additionally, on p. 28, under the "Leavening Agents" section, we request that all phosphates levels be changed from 1 g/kg (as phosphorus) to 10 g/kg (as phosphorus).

NATURAL FOOD COLOUR ASSOCIATION (NATCOL)

In particular, NATCOL wishes to comment on the food additive provisions and proposals for Annatto Extracts (e.g. types and levels used) in the Standard for Quick-Frozen Fish Sticks (Fish Fingers), Fish Portions and Fish Fillets – Breaded or in Batter (Codex Stan 166-1989).

General Comments:

Through it's membership of the eWG on the GSFA, NATCOL fully endorses the draft proposed Food Additive Provisions for Annatto Extracts in the General Standard for Food Additives (GSFA) under Food Category #06.6 – Batters (e.g. for breading or batters for fish or poultry). We refer you to ALINORM 08/31/12 May 2008 – Report of the 40th CCFA, Beijing 21 – 25 April 2008, Appendix VI, where the provisions are listed for Annatto Extracts expressed as Bixin - 160b(i) [page 78] and as Norbixin - 160b(ii) [page 82]. In addition, Directive 94/36/EC, Annex IV refers to the provisions for E160b Annatto Extracts, Bixin, Norbixin under Food Category 'Decorations and Coatings at a maximum level of 20 mg/kg.

With respect to proposals and information on maximum levels and technological needs for **Annatto Extracts**: NATCOL, through its membership of the eWG on the GSFA sees its role to provide clarification on these proposals to other Codex Committees. We recognise the importance of this work as this is closely related to the increased JECFA ADI for Bixin & Norbixin. NATCOL would like to offer our expertise on natural colours regarding their technological justification of current use as well as future opportunities and developments.

Specific Comments on Provisions for Annatto Extracts:

The technological justification for the use of a colour additive in a food category (i.e. adding colour to a foodstuff or restoring the colour of a foodstuff, without misleading the consumer) is related to the appeal of the foodstuffs within this category. If, addition of colour to a food category is found acceptable, the choice of colour additive and its dosage is dependant on several factors such as: colour shade needed, the colour of the foodstuff in itself, physical state of the foodstuff, carriers and solvents of the colour additive.

Generally, within Europe the application of Annatto Extracts in breading or batter mixes for Fish products, as specified in Codex Stan 166-1989, is predominantly limited to Ireland, the UK and Northern Germany. While this application is a very small market for Annatto Extracts, it is an application where Annatto is more effective than many other food additive colours.

In the European market, the breading / batter mixes are supplied to fish products manufacturers as a dry blend whereby the colour additives / spices are added as powders or as liquids co-dried with the breading or batter. Batters are rehydrated by the fish producer before use. The Annatto Extract used is Norbixin 160b(ii) and may be incorporated as a water soluble spray dried powder of Norbixin or as a water soluble Norbixin liquid which is then co-dried with the breading / batter. Typical levels used are up to a maximum of 20 mg/kg in the breading or batter base.

In the US market, Annatto Extracts are used in breading or batter mixes for Fish products, as specified in Codex Stan 166-1989 as Norbixin 160b(ii) and incorporated in the same manner as in Europe. Typical levels used are of the order of 25 mg/kg in the breading or batter base. In addition, Annatto Extracts may also be used in breading / seasoning mixes for Fish products, as specified in Codex Stan 166-1989 as Bixin 160b(i). The Annatto Extract in its oil soluble form as Bixin is pre-mixed / plated onto a seasoning, which is then incorporated into the breading for the fish products. Typical levels used are of the order of 25 mg/kg in the plated breading / seasoning mix.

Therefore, NATCOL recommends that the level for Annatto Extracts 160b in breading or batter for Fish products, as specified in Codex Stan 166-1989, of 20 mg/kg expressed as Bixin needs to be re-stated as:

160b(i)	Annatto Extracts	25 mg/kg expressed as Bixin
160b(ii)	Annatto Extracts	25 mg/kg expressed as Norbixin