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Agenda Item 3

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON MILK AND MILK PRODUCTS

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DRAFT AMENDMENT TO THE CODEX STANDARD FOR FERMENTED MILKS (CODEX STAN 243-2003) PERTAINING TO DRINKS BASED ON FERMENTED MILK

Comments at Step 6

(submitted by Australia, Iran, Malaysia and Vietnam)

Australia

Australia generally supports the Proposed Draft Amendment to the Standard for Fermented Milks Pertaining to Drinks Based on Fermented Milk, as provided in Appendix IV of Alinorm 08/31/11. Australia supports a minimum content of 40% of fermented milk in fermented milks pertaining to drinks based on fermented milk and therefore believes that, in Section 2.4., square brackets can be removed around the proposed 40%.

Iran

Iran comments pertaining to drinks based on fermented milk are presented as following, with respect to the sections of the relevant Codex Standard. The under lined parts and the parts with solid lines on, have been requested to be added within and eliminated from the text, respectively.

2.4. Drinks based on fermented milk

----- fermented milk as described in Section 2.1, with potable water, with or without the addition of ~~other~~ additional dairy ingredients (such as whey), ~~other~~ other non-dairy ingredients, and flavorings. Drinks based on fermented milk contain a minimum of ~~[40]%~~ [50]% (m/m) ~~fermented milk~~ dairy ingredients [dairy portion].

Other suitable and harmless microorganisms than those containing the specific starter cultures, as specified in Section 2.1 of the Codex Standard for Fermented Milks (CODEX STAN 243-2003), may be added.

* *Justifications for [50]%*

1. [50]% is more reasonable than [40]%, because in the designation of "drinks based on fermented milk", the word "based on" means "essential part" in terms of quantity in product formulation, as the latter word is described in Section 2.3 of the Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999) regarding the definition of "composite milk products". Reasonably, the amounts less than [50]% does not represent "essential part" or "based on", respecting to the definition of composite milks presented in Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999).

2. In the Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999), in definition of "Flavored Fermented Milks", as a composite milk, it is specified that "----- which contain a maximum of 50% (m/m) of non-dairy ingredients -----". Therefore, if the quantity of [40]% be accepted, it would not render a good coincidence with other samples of composite milks in Codex Standards such as Flavored Fermented Milks.

*** *Justifications for "dairy ingredients" or "dairy portion" instead of "fermented milk"***

The term "Fermented milk" is not a good representation to show what portion of final product constituting dairy or nondairy ingredients. For example, some dairy ingredients and/or some or whole nondairy ingredients might be added before fermentation (in initial milk) or in diluting water (after fermentation), as described in Section 2.3 of Codex Standard for Fermented Milks (CODEX STAN 243-2003). Therefore, the term "dairy ingredients" is recommended to be replaced the word "fermented milk". On the other words, the term "fermented milk" is representative of process procedure, namely, mixing; whilst, the term "dairy ingredients" indicates formulation concept, i.e., the proportion percent of each ingredients in final formula after mass balance of mixing. By using the latter term, the control point of the drink based on fermented milk in terms of compositional quantification would shift to the end product than in the operational unit of mixing.

3.2. Permitted ingredients

* Other suitable and harmless microorganisms than those specified in Section 2.1 of the Codex Standard for Fermented Milks (CODEX STAN 243-2003) (in products covered by Section 2.4).

* Milk and milk products (~~in products covered by Section 2.4~~)

*** *Justification***

Milk and milk products can be used not only to make composite fermented milks and drinks based on fermented milks, but also to produce any kinds of dairy products including plain ones; because according to definition of "fermented milk" (Codex Standard for Fermented Milks (CODEX STAN 243-2003), this concept and the above explanation is included ("Fermented Milk is a milk product obtained by fermentation of milk, which milk may have been manufactured from product obtained from milk ---"). On the other words, the Section 3.2 belongs to whole fermented milk area, not Section 2.4 (drinks based on fermented milk), only.

* Gelatin and starch in:

- flavored fermented milks,

*** *Suggestion***

* A sentence such as below confirming addition of carbon dioxide or any other suitable and harmless gasses in drinks based on fermented milk is proposed to be added:

- "Carbon dioxide added by fermentation and/or cold injection method or any other suitable and harmless gasses, such as nitrogen".

3.2. Permitted ingredients

In Flavored Fermented Milks and Drinks Based on Fermented Milk, ----- .

3.3. Permitted ingredients

In the Table pertaining to the composition of fermented milks, amendments should be made to make the standard limits of the numbers and amounts compatible with the real compositional attributes of the drinks based on fermented milk. Some of these modifications are presented below:

1. The minimum limit for milk proteins should be decreased significantly (the exact number should be adjusted after a worldwide comprehensive survey).
2. pH of drinks based on fermented milk shall not be above 4.5 (max. 4.5).

*** *Justification***

In fermented milk, pH is a very important factor to be monitored and the fermentation process is regularly finished according to reaching pH to a definite value. pH is also more determinable to the final product than titrable acidity from sanitary point of view. More than pH4.5, the product might become susceptible from sanitary standpoint.

3. The criteria for the viable number of "starter microorganisms" and "Labelled microorganisms" should be revised; because in drinks based on fermented milk which have significantly lower pH values compared to other fermented milks such as yogurt, the viability of microorganisms, especially probiotic microorganisms

(in case of use), would be significantly and/or dramatically lower. The exact viable number of microorganisms should be adjusted after a comprehensive consideration.

If probiotics are applied in the product, the criteria of "cfu/g, for each strain" (rather than "cfu/g, total") shall be specified in marking of the label.

4. The fat content of drinks based on fermented milk shall not be greater than 50% (m/m) of the total milk solid non-fat (MSNF) of the product (max. 50% (m/m) of the total milk solid non-fat of the product).

*** Justification**

In drinks based on fermented milk, because the milk solid non-fat is decreased significantly (dilution process), increasing the amount of fat should be in balance with the increase in solid non-fat portion of the product. Therefore, exerting this limitation would help to hold this balance (particularly, between protein and fat content in final product).

5. The sodium chloride content of drink based on fermented milk shall not exceed 1% (m/m) (max. 1% (m/m)).

*** Justification**

The limitation for salt concentration is considered for avoiding blood pressure disorder in population.

Malaysia

Malaysia is of the view that the square bracket in the last sentence of para 2.4 be removed and the sentence to read as follows:

“Drinks Based on Fermented Milk contain a minimum of 40% (m/m) fermented milk.”

The 9th Session of the Codex Committee on Milk and Milk Products should agree on the minimum content of 40% (m/m) fermented milk and for the draft amendment to the *Codex Standard for Fermented Milks* (CODEX STAN 243-2003), pertaining to Drinks Based on Fermented Milk be forwarded to the 33rd Session of the Codex Alimentarius Commission for adoption at Step 8.

Vietnam

Background

At the 8th Session of CCMMP (February, 2008 New Zealand), the Committee agreed to forward the proposed amendment to the Codex Standard for Fermented Milks pertaining to Drinks based on Fermented Drinks to the 31st Session of CAC for adoption at Step 5.

To facilitate discussion at the next session and further progress of the work in the step procedure, the physical working group was established under the leadership of Indonesia to consider the document along with comments submitted at step 6.

Vietnam would like to thank Indonesia for its works as Chair of the WG and appreciates the opportunity to provide comments on this document.

Issue

The content of fermented milk is of Vietnam's concern. There are various products sole in Vietnam market like Fermented Milk Drinks and these are very popular to consumers. Content of fermented milk in these products rank between 40%-50%. However, the content of 40% is predominant in different fermented milk drinks and that of 50% may be a barrier of trade for developing countries.

Recommendation

One of major purposes of Codex is to facilitate the fair practice in food trade, so Vietnam fully supports that the minimum content of fermented milk of 40%. We believe this would be acceptable for countries particularly developing countries in producing and trading this type of product.

So Vietnam support the minimum content of dairy ingredients should be 40%.