

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of
the United Nations



World Health
Organization

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Agenda Item 10

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON PROCESSED FRUITS AND VEGETABLES

26th Session
Montego Bay, Jamaica,
15 – 19 October 2012

DISCUSSION PAPER ON WATER-BASED FLAVOURED DRINKS

BACKGROUND

1. At its 25th Session, the Codex Committee on Processed Fruits and Vegetables noted the proposal introduced by Kenya for development of a Codex Standard for flavoured water-based drinks or water-based drinks. The delegation explained that there were safety concerns in regard to consumption of these products vis-à-vis the amount of additives e.g. flavours, preservatives, etc., contained in these products and the lack of global regulations in this regard. In addition, there were problems associated with misleading labels/claims regarding the true nature of these products in relation to other products such as fruit juices/nectars and/or fruit-based drinks also available on the market. Several delegations were of the view that this type of products did not fall under the mandate of the Committee on Processed Fruits and Vegetables as they were not actually processed fruits and vegetables. In regard to misleading labelling, the Committee noted that the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985) clearly provides for provisions regarding misleading labelling. In addition, the General Guidelines for Claims (CAC/GL 1-1979) also provide additional provisions in this respect.

2. As regards the safety of these products, it was noted that the General Standard for Food Additives (CODEX STAN 192-1995) provides for safe maximum limits for a number of additives falling under Food Category 14.1.4 water-based flavoured drinks including similar related products. It was suggested that if there were problems relating to misleading claims or safety of these products the relevant horizontal committees i.e., the Committee on Food Labelling and the Committee on Food Additives could first be consulted on how to approach this matter in the relevant horizontal standards developed by them.

3. Whilst recognizing the proposed expanded mandate of the Committee to include fruit juices, nectars and related products, the Committee agreed that to further examine this matter at its next session; Kenya should develop a discussion paper with assistance from Brazil and the United States of America.¹

4. The 25th Session of the Committee also considered the request from the 32nd Session of the Codex Alimentarius Commission (2009) to consider amending its Terms of Reference to include fruit and vegetable juices and related products taking into account the dissolution of the Ad Hoc Intergovernmental Codex Task Force on Fruit and Vegetable Juices and the finalization of the General Standard for Fruit Juices and Nectars (CODEX STAN 247-2005). The Committee agreed to amend its Terms of Reference to include fruit and vegetable juices and nectars and related products in line with the previous mandate of the Task Force. The 34th Session of the Codex Alimentarius Commission agreed to adopt the amendment to the Terms of Reference of the Committee on Processed Fruits and Vegetables with the exception of the reference to “related products”. Further details on the amendments of the Terms of Reference of the CCPFV can be found in the reports of the 25th Session of the CCPFV (REP11/PFV, paras. 6-8) and the 34th Session of the CAC (REP11/CAC, paras. 16-20).

This is one of the reasons why it is requested the Committee to reconsider this proposal and/or identify the right committee to take up this work and not to take it lightly for the concern is the safety of the consumer which is the mandate of the CAC.

DEFINITION

4. **Flavoured water based Drinks:** are concentrated/ diluted or ready to drink products whose **predominant ingredient is water**, usually with a balancing acidity. They are flavoured, **frequently coloured** and **often contain other synthetic/natural ingredients with sweetener**.

FIELD OF APPLICATION

5. This discussion paper does not cover 100% fruit juices (sweetened or unsweetened and concentrated or not), vegetable juices, alcoholic beverages (wines, spirits, beer, cider etc), tea, coffee, energy drinks, fruit juice blend and other beverages, and natural (or artificial) spring water (unsweetened and with or without added mineral substances).

¹ REP11/PFV, paras. 126-129.

OBJECTIVES

6. The overall objective of this paper is to address consumer health protection, food safety and quality concerns with respect to additives and labelling of flavoured water based drinks. This will aid in development of a Codex standard which will assist consumers to:

- (a) distinguish flavoured water based drinks from other drinks and beverages in the way in which they are presented and labelled;
- (b) distinguish between synthetic/natural food flavours used in flavoured water based drinks and similar **“regular” counterpart foods**;
- (c) use compositional and nutritional information on labels and how they relate this information to given labels;
- (d) use the claims made on flavoured water based drinks currently available in the marketplace in choosing products and make informed choices.
- (e) distinguish between energy drinks and flavoured water based drinks.

JUSTIFICATION

7. The proliferation and marketing of flavoured water-based drinks is increasing regionally and globally. This may be in the form of certain permissible and certain restrictive ingredients which constitute the above. The repercussions of the above ingredients on the general health and well-being of consumers, especially the vulnerable groups which include children, who incidentally are the largest consumers of these products, should be concretely defined.

8. It should be noted that these products are mainly presented as “fruit” flavoured thereby affecting the trade in real fruits hence the need for concern by the Committee. It should also be noted a number of jurisdictions are coming up with regulations on flavoured water based drinks, a development that further indicates the need for an international standard. Such standards should not be left to national authority for there should be an international codex standard to facilitate trade worldwide.

The concerns, on consumer health and trade both fall within the dual mandate of Codex as stated in the objective statement which is “to protect consumer health and promote fair practice in food trade”.

9. It has been noted that the issue of labelling is already addressed by the existing Codex Standard for the Labelling of Prepackaged Foods mentioned in the background to provide information on labelling of such drinks and to facilitate trade and the consumer to make informed choices. The codex standard is clear on “The label should not mislead the consumer. Misrepresentation of the fruit flavoured drinks through fruit pictorials or claims such as “Contains Fruit Juice” on the label should be prohibited if no fruit juice added. Nutritional claims on fruit flavoured drinks such as declaring them as “Health Drinks” should be prohibited among others”.

10. In Kenya, production of flavoured water-based drinks plays a key role in socioeconomic development. This is in effort towards wealth creation and poverty eradication. For example one town in Kenya, among other countries in the world, has over thirty two companies which produce fruit flavoured drinks/flavoured water-based drinks and its production is over one million tons per year. These companies are in three categories namely: **large**, which produce average capacity of 65,000 liters per day, while **medium** produces 2,500 liters per day and **small** produces 600 liters per day in one region.

11. Some of the Flavouring agents used in these water-based flavoured drinks includes thousands of molecular compounds and the flavour chemist (flavourist) can often mix these together to produce many of the common flavours such as **Diacetyl** for buttery odour; **Isoamyl acetate** for banana odour; **Ethyl propionate** for Fruity odour; **Limonene** for orange odour; **Ethyl-(E_Z)-2,4-decadienoate** for pear odour; **Allyl hexanoate** for pineapple odour among others. The MRLs and International Numbering System (INS) of these additives (together with preservatives such as Benzoic acid among others) used in these products are usually not declared on the labels. Labelling of the flavoured water based drinks, currently, does not facilitate the consumer to make informed choice. The use of pictorials on the label has had a negative perception by the consumer, that the flavoured drinks contain fruit juices and hence there preference to fruits; the issue of labelling can be re-enforced by national authority so it is not an issue that needs to be addressed internationally or in this standard.

The fact that most of these flavoured water based drinks are also presented and used as water by consumer and the fact that consumption of water is also encouraged as of health benefit, poses a greater concern as to the **acceptable daily intakes [ADIs]** of some of the additives in these products and the cumulative levels hence the need to specify specific limits in the standard.

12. Recently there have been carcinogenic concerns in some of the colouring and flavouring additives used in some of the flavoured water based drinks and even other drinks. There is need to take this into account. There is need to come up with the Recommended Daily Allowance [RDA] for these food additives [especially preservatives, colouring agents among others] for young children, adults and older people.

13. From the foregoing, there is need for Codex to develop a Codex Standard on Flavoured water-based Drinks (as per definition given in number five in this discussion paper) indicating the Maximum Required Safe Limits for these flavours and preservatives used singly or combined to protect the health of consumers, to give consumer informed choice, facilitate fair food trade and to give guidance to regulatory agencies during implementation of this standard.

14. It is therefore requested that CCPFV identifies the appropriate Codex Committee to take this work up if the CCPFV cannot undertake this work. The proposal is made to this committee since the extracts, synthetic and natural flavours originating from fruits and vegetables are used to make water-based flavoured drinks.