

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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World Health
Organization

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

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PROPOSED DRAFT REVISION OF FOOD CATEGORY 01.1 "MILK AND DAIRY-BASED DRINKS" AND ITS SUB-CATEGORIES

Comments at Step 3 of India, Indonesia, Mali, Nigeria, Philippines, Senegal, Russian Federation and African Union

INDIA

1. Part II: Food Category Descriptors

Food Category 01.1.4-Flavoured Fluid Milk

India proposes to amend the descriptor for Food Category 01.1.4, as follows:

"Includes all ready-to-drink fermented or not fermented flavoured and aromatized milk-based fluid beverages **with flavourings and food ingredients that impart flavour, with or without added water (including flavoured drinks based on fermented milk as described in CODEX STAN 243-2003)** excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and *lassi* (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener).

Rationale: While the intention of the description appears to include flavoured 'drinks based on fermented milks' containing added water (as explained in **Codex Stan 243**), the same is not explicitly clear from it and is, hence, open to interpretation. This may result in enforcement issues on use of food additives. The above amendment will make it clear.

2. Part III: CONSEQUENTIAL CHANGES TO THE TITLES AND/OR DESCRIPTORS OF CERTAIN FOOD CATEGORIES BASED ON THE ABOVE REVISED PROPOSAL

Food Category 01.2 –Fermented and renneted milk products (plain)

India proposes to amend the descriptor for Food Category 01.2, as follows:

Includes all plain **fermented or renneted** products based on skim, part-skim, low-fat and whole milk, **with or without added water (including plain drinks based on fermented milk as described in CODEX STAN 243-2003)** excluding buttermilk, which is included in 01.1.3 Buttermilk (plain). Products with added flavouring are included in 01.1.2 (beverages) and 01.7 (desserts).

Rationale: While the intention of the description appears to include plain 'drinks based on fermented milks' containing added water (as explained in the **Codex/Stan 243**), the same is not explicitly clear from it and is, hence, open to interpretation. This may result in enforcement issues on use of food additives. The above amendment will make it clear.

3. Part V: Consequential changes to the GSFA Annex C

CROSS-REFERENCE OF CODEX STANDARDISED FOODS WITH THE FOOD CATEGORY SYSTEM USED FOR ELABORATION OF THE GSFA

Amend the Table as follows:

Standard No	Codex Standard Title	Food Cat. No.
243-2003	Fermented milks (drinks based on fermented milk, plain or flavoured, heat treated or not heat treated)	01.1.2 01.1.4

243-2003	Fermented milks (drinks based on fermented milk, plain heat treated or not heat treated)	01.2
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Rationale: 'Plain' variants cannot be included in FC 1.1.4 as the same is for flavoured products. Insertion of the new row is necessary to align plain drinks based on fermented milk.

INDONESIA

Indonesia would like to thank New Zealand for coordinating the work of the electronic Working Group (eWG) which was established to recommend a proposed draft revision of the food category 01.1 "Milk and dairy-based drinks" and its sub-categories in the General Standard for Food Additives (GSFA).

Indonesia broadly supports the recommendations included in the eWG Report. However, the proposed revisions make necessary the accommodation of additional wording in relation to food category descriptor "01.1.4 Flavoured fluid milk" to provide further clarity for the product category of drinks based on fermented milk of the Codex Standard for Fermented Milks (Section 2.4, CODEX STAN 243-2003).

Indonesia considers that the name and the way the proposed food category descriptor 01.1.4 "Flavoured Fluid Milk" is drafted in the eWG Report may give room for different interpretations as regards its scope affecting particularly to drinks based on fermented milk.

The GSFA is for Codex member countries the single authoritative reference point for food additives and source of food additives recognized as suitable for use in foods and whose uses are technologically justified. The GSFA is therefore implemented in national and regional regulations worldwide.

To avoid any barriers to trade resulting from any conflictive interpretations by any country as regards the applicable GSFA food category to drinks based on fermented milk and thereby which additives are permitted in those products, it is essential that this category is explicitly included under the GSFA food descriptor category 01.1.4.

We would like to highlight that during the eWG deliberations a number of eWG members supported the explicit mention of the category "drinks based on fermented milk" under food category descriptor "01.1.4 Flavoured fluid milk", which at some point was included in the draft Reports of the eWG that was being debated.

Indonesia would therefore like to seek the support of the Committee to adopt the explicit inclusion of flavoured drinks based on fermented milk in food category descriptor 01.1.4 as follows:

*To include in food category descriptor "01.1.4 Flavoured fluid milk", between the words 'impart flavour,...' and '... excluding cocoa...' the following wording: "... **including flavoured drinks based on fermented milk (CODEX STAN 243-2003), and...**"*

01.1.4 Flavoured fluid milk, Dairy-based drinks, flavoured and/or fermented (e.g. chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks) [renumbered -currently 01.1.2]:

Includes all ready-to-drink fermented or not fermented ~~flavoured and aromatized~~ milk-based fluid beverages **with flavourings and food ingredients that impart flavour, including flavoured drinks based on fermented milk and** excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and *lassi* (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or **intense synthetic** sweetener).

The followings are our specific comments:

Food Category System	Proposed Food Category Descriptors	Indonesia Comments
01.0 Dairy products and analogues, excluding products of food category 02.0	Includes all types of dairy products that are derived from the milk of any milking animal (e.g. cow, sheep, goat, buffalo). In this category, a "plain" product is one that is not flavoured meaning that it has no added flavouring , or other non-dairy ingredients that impart flavour, but may include other food additives nor is mixed with other non-dairy ingredients, unless permitted by relevant standards. Analogues are products in which milk fat has been partially or wholly replaced by vegetable fats or oils.	Includes all types of dairy products that are derived from the milk of any milking animal (e.g. cow, sheep, goat, buffalo). In this category, a "plain" product is one that is not flavoured meaning that it has no added flavouring , or other non-dairy ingredients that impart flavour, but may include other food additives except <u>food additives of sweetener or colouring</u> nor is mixed with other non-dairy ingredients, unless permitted by relevant standards. Analogues are products in which milk fat has been partially or wholly replaced by vegetable fats or oils. Rationale:

Food Category System	Proposed Food Category Descriptors	Indonesia Comments
		<ul style="list-style-type: none"> - Addition of food additives of sweetener will absolutely give sweet taste to products. This would mislead consumers against plain products. - Plain products are commonly perceived having natural colour. Addition of Food additives of colouring can change the natural colour and mislead consumers perception of plain products
<p>01.1 Fluid milk (plain), excluding products of food category 01.2; and dairy-based drinks flavoured fluid milk</p>	<p>Includes all plain and flavoured fluid milks that are based on skim, part-skim, low-fat and whole milk, excluding plain fermented products and plain renneted milk products of food category 01.2. Plain fluid milks are “milk products” as defined in CODEX STAN 206-1999, are obtained by the processing of milk, and may contain food additives and other ingredients functionally necessary for processing. Raw milk (“milk” as defined in CODEX STAN 206-1999) shall not contain any food additives.</p>	<p>Indonesia agrees with the proposal</p>
<p>01.1.1 Fluid milk (plain) [currently 01.1.1.1]</p>	<p>Plain fluid milk obtained from milking animals (e.g., cows, sheep, goats, buffalo). Milk is usually heat-treated by that has been processed. Includes pasteurized, ultra-high temperature (UHT) treated, or sterilized and homogenized, fat and /or protein adjusted milk. [Includes skim, part-skim, low-fat and whole milk].</p>	<p>Indonesia agrees with the proposal</p>
<p>01.1.2 Other fluid milk (plain) [new subcategory]</p>	<p>Includes all plain fluid milk, excluding products of food categories 01.1.1 (Fluid milk (plain)), 01.1.3 (Buttermilk (plain)), and 01.2 (Fermented and renneted milk products (plain)). Includes plain recombined fluid milks, plain reconstituted fluid milks, non-flavoured vitamin and mineral fortified fluid milks, lactose reduced milk products plain milk product with modified organoleptic properties and plain milk-based beverages.</p>	<p>Indonesia proposes to replace wording of “lactose reduced milk products” with “modified (reduced/removed/added) milk composition products” including lactose reduced milk products as follows:</p> <p>Includes all plain fluid milk, excluding products of food categories 01.1.1 (Fluid milk (plain)), 01.1.3 (Buttermilk (plain)), and 01.2 (Fermented and renneted milk products (plain)). Includes plain recombined fluid milks, plain reconstituted fluid milks, non-flavoured vitamin and mineral fortified fluid milks, <u>modified (reduced/removed/added) milk composition products including lactose reduced milk products excluding food category 01.1.1</u> lactose reduced milk products plain milk product with modified organoleptic properties and plain milk-based beverages.</p> <p>Rationale: Indonesia is of the opinion that the use of wording “lactose reduced milk products” not only under food category 01.1.2 but also under food category 01.1.4 and 01.2. Therefore Indonesia proposes to amend wording of lactose reduced milk products” with “modified (reduced/removed/added) milk composition products including lactose reduced milk products”. The use of wording “modified (reduced/removed/added) milk</p>

Food Category System	Proposed Food Category Descriptors	Indonesia Comments
		composition products” could accommodate products innovation such as lactose reduced milk Indonesia also proposes to delete “milk based beverages” since there’s no standard for these products and those products have been covered in the proposed descriptors
01.1.3 Buttermilk (plain) [renumbered - currently 01.1.1.2]	Buttermilk is the nearly milkfat-free fluid remaining from the butter-making process (i.e., the churning fermented or non-fermented milk and cream). Buttermilk is also produced by fermentation of fluid skim milk, either by spontaneous souring by the action of lactic acid-forming or aroma-forming bacteria, or by inoculation of heated milk with pure bacterial cultures (cultured buttermilk). Buttermilk may be pasteurized or sterilized	Indonesia agrees with the proposal
01.1.4 Flavoured fluid milk [currently 01.1.2]	Includes all ready-to-drink fermented or not fermented flavoured and aromatized milk-based fluid beverages with flavourings and food ingredients that impart flavour , excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and <i>lassi</i> (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or synthetic sweetener).	For consistency with the explanation, Indonesia proposes to amend the descriptors for food category 01.1.4 and replace the term of “synthetic sweetener” with “intense sweetener” as follows: Includes all ready-to-drink fermented or not fermented flavoured and aromatized milk-based fluid beverages with flavourings and food ingredients that impart flavour, <u>including flavoured drinks based on fermented milk and</u> excluding mixes for cocoa (cocoa-sugar mixtures, category 05.1.1). Examples include hot chocolate, chocolate malt drinks, strawberry-flavoured yoghurt drink, lactic acid bacteria drinks, and <i>lassi</i> (liquid obtained by whipping curd from the lactic acid fermentation of milk, and mixing with sugar or intense synthetic sweetener). Rationale: to encourage the uses of natural high intense sweetener and the term of synthetic sweetener is not recognized in Class Names And The International Numbering System For Food Additives (CAC/GL 36-1989)

MALI

Le Mali félicite le groupe de travail présidé par la Nouvelle-Zélande pour la préparation de l’Avant-projet. Il n’a pas d’observations particulières sur le document de travail et est favorable à la catégorie d’aliments proposés et accepte les modifications proposées.

NIGERIA

Nigeria commends the work done by the eWG and supports the proposal to amend food category 01.1 (milk and dairy based drinks)

PHILIPPINES

The Philippine supports the revisions for Section 5.1(c) (CODEX STAN 107-1981) as it addresses the inconsistencies in the terminology related to flavourings in CAC/GL 66-2008. The proposed revisions in Section 5.1(c) is also the current practice in the Philippine market as to the labeling of food additives when sold as such.

SENEGAL

Problème:

(i) Le conflit entre la définition de «lait» dans la norme générale pour l'utilisation des termes de laiterie (CODEX STAN 206-1999) et le descripteur de la catégorie d'aliments 01.1.1.1 (lait (nature));

(ii) Le défaut du système actuel de classification des aliments (FCS) et des descripteurs à l'adresse du lait reconstitué ordinaire et recombinaison lait nature et d'autres produits laitiers nature.

Le groupe de travail électronique a préparé une proposition visant à modifier la catégorie d'aliments 0.1.1 (lait et boissons à base de produits laitiers)

Position: Nous soutenons le travail proposé par le groupe de travail électronique.

Justification: Le projet de révision de la catégorie d'aliments 0.1.1 (lait et boissons à base de produits laitiers) permettra de clarifier les préoccupations exprimées ci-dessus.

RUSSIAN FEDERATION

In opinion of RU it is not clear enough which food products can be included in a new food category "other fluid milk (plain)". It is necessary to establish subcategories for fortified fluid milk and fluid milk for special purpose. Fermented milk was excluded from classification. Therefore we propose the following version developed by eWG classification:

01.1 Fluid milk (plain), fortified fluid milk (plain), fluid milk for special purpose (plain) excluding products of food category 01.2

01.1.1 Milk and buttermilk (plain)

01.1.1.1 Milk (plain)

01.1.1.2 Buttermilk (plain)

~~01.1.2 Dairy-based drinks, flavoured and/or fermented (e.g. chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)~~

01.1.1 Fluid milk (plain) [currently 01.1.1.1]

01.1.2 Fortified fluid milk (plain), plain recombined fluid milks, plain reconstituted fluid milks [new subcategory]

01.1.3 Buttermilk (plain) [renumbered - currently 01.1.1.2]

01.1.4 Fluid milk products with added and not added flavouring that are fermented or non-fermented [currently 01.1.2]

PART II: Food Category Descriptors

01.0 Dairy products and analogues, excluding products of food category 02.0

The RU does not agree with the proposed revision of category 01.0 because dairy products and analogues can include non-dairy ingredients, which are permitted by relevant standards, but plain fluid milks should not contain food additive.

01.1.1 Fluid milk (plain)

The RU agrees with EU proposal of category 01.1.1:

Plain fluid milk obtained from milking animals (e.g. cows, sheep, goats, buffalo). Milk is usually heat-treated and includes pasteurized, ultra-high temperature (UHT) treated, or sterilized and homogenised skim, part-skim, low-fat and whole milk.

The RU proposes the following version of description of Food categories 01.1.2 and 01.1.3.

01.1.2 Fortified fluid milk (plain), plain recombined fluid milks, plain reconstituted fluid milks

Includes all plain non-flavoured, vitamin and mineral fortified fluid milk, plain recombined fluid milks, plain reconstituted fluid milks excluding products of food categories 01.1.1 (Fluid milk (plain)), 01.1.3 (Buttermilk (plain)), and excluding plain products of food category 01.2.

AFRICAN UNION

Issue:

- (i) Conflict between the definition of "milk" in the General Standard for the Use of Dairy Terms (CODEX STAN 206-1999) and the descriptor of food category 01.1.1.1 (Milk (plain));

- (ii) Failure of the current Food Category System (FCS) and descriptors to address reconstituted plain milk and recombined plain milk and other plain (non-flavoured) milk products.

The eWG prepared proposal to amend food category 0.1.1 (Milk and dairy-based drinks)

Position: AU supports the work proposed by the eWG.

Rationale: The proposed draft revision of food category 0.1.1 (Milk and dairy-based drinks) will clarify the concerns raised above.