



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEx COMMITTEE ON FOOD ADDITIVES

#### Fifty-Second Session

#### CONTINUATION OF THE DISCUSSION ON THE RELEVANT PROVISIONS FOR SWEETENERS ASSOCIATED WITH NOTE 161 (REPORT OF THE EWG ON NOTE 161)

Prepared by the European Union (EU) and United States of America (USA) with the assistance of Australia, Brazil, Canada, Chile, Columbia, Costa Rica, Japan, Malaysia, New Zealand, Norway, Paraguay, Saudi Arabia, Yemen, Calorie Control Council (CCC), FoodDrinkEurope, International Council of Beverages Associations (ICBA), International Chewing Gum Association (ICGA), International Dairy Federation (IDF), International Fruit and Vegetable Juice Association (IFU), and International Sweeteners Association (ISA)

#### Introduction

1. The 51<sup>st</sup> Session of the Codex Committee on Food Additives (CCFA51), held in Jinan, China, on 25 – 29 March 2019, agreed to convene an EWG co-chaired by the European Union and the United States of America with the following Terms of Reference (REP 19/FA, para. 119(iii)):

- a) to discuss provisions with Note 161<sup>1</sup> attached to them in the following FCs:
  - Lists V (excluding FC 5.3) and X of document CX/FA 19/51/10 to provide recommendations for a replacement Note for Note 161; and
  - List W and Z of CX/FA 15/47/13 to determine if sweeteners or flavour enhancers are justified in these food categories and provide recommendations either for a replacement Note for “Note 161” or whether such provisions should be revoked/discontinued; and
  - Additional food categories with adopted provisions or provisions in the step process with “Note 161” that may not be listed in document CX/FA 15/47/13; and determine if sweeteners or flavour enhancers are justified in these food categories and provide recommendations either for a “replacement Note” for “Note 161” or whether such provisions should be revoked/discontinued; and
- b) to discuss if sweeteners or flavour enhancers are justified in FCs 07.1 “Bread and ordinary bakery ware and mixes”, 12.2.2 “Seasonings and condiments”, 12.3 “Vinegars” and provide recommendations either for a replacement of Note 161 or whether such provisions should be revoked/discontinued.

2. The 42<sup>nd</sup> Session of the Codex Alimentarius Commission (CAC42), held in Geneva, Switzerland, on 8-12 July 2019, replaced Note 161 in food additive provisions in specific food categories with the following alternative notes. For the purpose of CX/FA 20/52/9, these notes are referred to as “Adopted Alternative Notes”:

For provisions for additives with the function of sweetener but not the function of flavour enhancer (Note 477): “Some Codex Members allow use of additives with sweetener function in all foods within this Food Category while others limit additives with sweetener function to those foods with significant energy reduction or no added sugars.”

For provisions for additives with both sweetener and flavour enhancer function (Note 478): “Some Codex Members allow use of additives with sweetener function in all foods within this Food Category while others limit additives with sweetener function to those foods with significant energy reduction or no added sugars. This limitation may not apply to the appropriate use as a flavour enhancer.”

<sup>1</sup> Note 161: “Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble.”

## Working Document

3. The EWG issued two circulars:

- The first circular grouped the food categories under discussion as per the lists provided in Annex C of CX/FA 15/47/13, or additional food categories with provisions with sweeteners with Note 161 that may not have been listed in CX/FA 15/47/13. For each food category, the first circular requested comment from EWG members on several proposed options for a replacement note for Note 161 to be utilized on a horizontal basis across each food category. These proposed options were based on information provided in CX/FA 15/47/13 as well as adopted alternative notes to Note 161 that were proposed at CCFA51 and adopted by CAC42.

- The second circular also grouped the food categories under discussion as per the lists provided in Annex C of CX/FA 15/47/13, or additional food categories with provisions with sweeteners with Note 161 that may not have been listed in CX/FA 15/47/13. The second circular provided a brief summarization of the discussion by the EWG members for each list and based upon that discussion provided further recommendations for each specific food category for consideration by the EWG. A compilation of all comments submitted to the first circular was presented as Annex 1 to the second circular.

4. The current document follows the format of the first and second circulars, in that it groups the food categories under discussion as per the lists provided in Annex C of CX/FA 15/47/13, or additional food categories with provisions with sweeteners with Note 161 that may not have been listed in CX/FA 15/47/13. For each list, the current document provides a summation of the background in CX/FA 15/47/13, as well as a summation of the discussion in the current EWG on the proposals from the first circular. The current document also provides a compilation of comments from EWG members on the second circular.

5. The current document presents proposals for each food category for a replacement note for Note 161 to be utilized on a horizontal basis across the food category. These proposals are based upon a consensus approach considering the comments provided in response to the second circular.

### General Comments on 2<sup>nd</sup> Circular:

**EU:** The EU appreciates further discussion on the use of sweeteners in relation to Note 161. Generally, the EU supports a uniform approach for the sweeteners' provisions in the individual food categories, i.e. that the same footnotes are applied to all sweeteners within the same food category (unless there are specific reasons for not following this approach). This would guarantee that all sweeteners are treated equally with the same footnotes specifying the conditions for use.

Thus the EU suggests that the Committee applies the agreed replacement notes to all adopted and draft provisions for sweeteners no matter whether or not they are currently associated with Note 161.

### List V<sup>2</sup>

6. List V of CX/FA 15/47/13 identifies eight food categories for which, at that time, examples were only provided for products that met the conditions of the note *'For use only in energy-reduced food or food with no added sugars as defined in CXG 23-1997'* (i.e. the so-called "ERONAS" Note). Recommendation 3 of CX/FA 15/47/13 proposed replacing Note 161 with an ERONAS note for the food categories in List V.

7. In the first circular of the EWG on Note 161 to CCFA52, EWG members were invited to indicate whether they agree or disagree both with the use of an ERONAS note, or the adopted alternative notes from CCFA51, as replacements for Note 161 when applied to sweeteners in the food categories under discussion in List V.

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<sup>2</sup> The current List V does not include Food Category 05.3, which was addressed by CCFA51.

- **ERONAS note:** Although several EWG Members stated that they agreed with the use of the ERONAS note as a replacement, several responses of other EWG members disagreed with the use of the ERONAS note. Those EWG members that supported the ERONAS note indicated that their regulations only allowed the use of sweeteners in ERONAS products and in their view, the use only had an advantage when used for energy reduced and no added sugars products or the use permits an increase in shelf-life of the food or was used for food for particular nutritional purposes.
- **Adopted alternative notes:** In contrast, multiple EWG members agreed with the use of the adopted alternative notes from CCFA51, and no EWG member submitted comment that disagreed with the use of the adopted alternative notes from CCFA51. Those EWG members in favour of the adopted alternative notes observed that, while some Codex Members only allow the use of sweeteners in ERONAS products, other Members allow the general use of sweeteners without restriction pertaining to energy reduction or added sugar. These comments indicated that the adopted alternative notes appear to address the concerns of all EWG members and aligns with the approach utilized by CCFA51.

Based upon the discussion by the EWG members on the first circular, the second circular requested comment on the following horizontal approach for food categories in List V: replace Note 161 with the adopted alternative notes from CCFA51.

General Comments submitted to 2<sup>nd</sup> Circular pertaining to List V:

**Brazil:** Generally, in Brazil, sweeteners are only allowed when used for energy reduced, sugar reduced and no added sugars products (except in food supplements). Some FC also permit some GMP substances as flavour enhancers that are also considered sweeteners by INS list. We recognize that eventually some bittersweet flavours are even desired in some apparently salted products, mainly in Asian products that are more often found in our market and the use of those substances as flavour enhancers may be justified, since they may enhance some notes not generally noticeable. In this sense, Brazil is not against inclusion of such substances as flavour enhancers since technological justification is provided with examples and since exposure evaluation concludes that total intake, considering all the sources, does not overcome the safety limit in case of substances with numerical ADI. In this sense, the new adopted alternative notes seem to comprise all our expectations, but it's necessary to differentiate when one or another alternative apply considering the framework of those substances as sweeteners or flavour enhancers. If the only purpose is to provide sweet taste, then the only framework possible to us is sweetener and the product must be energy reduced or no added sugar (only the first alternative note). In the light of these considerations, please, find attached Brazil's comments below.

**Yemen:** Agree with proposal that list V and X to provide recommendations for replacement Note for Note 161

**Malaysia:** considers that the 'adopted alternative note' should be used to replace note 161 in relevant cases relating to sweeteners.

**Table 1: Final EWG proposal for food categories in List V/ Recommendation 3 from CX/FA 15/47/13**

Food Category No.	Title	EWG Comments on 2 <sup>nd</sup> circular proposal	Final EWG proposal
02.4	Fat-base desserts excluding dairy based dessert products of food category 01.7	<p><b>Chile, Colombia, EU, Saudi Arabia, USA, CCC, FoodDrinkEurope, ISA:</b> agrees with proposal</p> <p><b>Brazil:</b> Supports replacement of Note 161 with the appropriate alternative note as discussed at CCFA51. If the second alternative note applies (flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose), we request clarification on technological justification (which food flavour notes need</p>	Replace Note 161 with the adopted alternative notes from CCFA51

Food Category No.	Title	EWG Comments on 2 <sup>nd</sup> circular proposal	Final EWG proposal
		to be enhanced) and examples of products available in the market.	
04.1.2.4	Canned or bottled (pasteurized) fruit	<b>Chile, Colombia, EU, Malaysia, Saudi Arabia, USA, CCC, FoodDrinkEurope, ISA:</b> agrees with proposal  <b>Brazil:</b> See comment to FC 02.4.	
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	<b>Chile, EU, Malaysia, Saudi Arabia, USA, CCC, FoodDrinkEurope, ISA:</b> agrees with 2 <sup>nd</sup> circular proposal  <b>Brazil:</b> See comment to FC 02.4.	
06.5	Cereal and starch based desserts (e.g., rice pudding, tapioca pudding)	<b>Chile, Colombia, EU, Saudi Arabia, USA, CCC, FoodDrinkEurope, ISA:</b> agrees with proposal  <b>Brazil:</b> See comment to FC 02.4.	
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	<b>Chile, Colombia, EU, Saudi Arabia, USA, CCC, FoodDrinkEurope, ISA:</b> agrees with proposal  <b>Brazil:</b> See comment to FC 02.4.	
14.1.3.2	Vegetable nectar	<b>Chile, Brazil, Colombia, Costa Rica, EU, Malaysia, USA, Saudi Arabia, CCC, ICBA, IFU, ISA:</b> agrees with proposal	
14.1.3.4	Concentrates for vegetable nectar	<b>Chile, Brazil, Colombia, Costa Rica, EU, Malaysia, USA, Saudi Arabia, CCC, ICBA, IFU, ISA:</b> agrees with proposal	

### List X

List X of CX/FA 15/74/13 identifies fourteen food categories where examples had been provided for use of sweeteners in a narrower range of foods within the food category. Recommendation 5 of CX/FA 15/47/13 proposed replacing Note 161 with Notes specific for each food category in List X limiting use to those products within the food category for which information on use had been provided.

In the first circular of the EWG on Note 161 to CCFA52, EWG members were invited to indicate whether they agree with proposed notes that allowed the use of sweeteners in a narrower range of foods in each food category in List X. These notes and the EWG discussion can be further categorized as follows:

- “for use in pre-sweetened products only”: Several EWG members questioned the meaning of “pre-sweetened”. Other members requested information on the use of sweeteners in these food categories – what types of products in these food categories are “sweet” and if sweeteners are used to replace sugar in those products. However, other EWG members stated that these food categories include both sweetened and unsweetened products, and that sweeteners are used in place of sugar in sweetened products. Some EWG members suggested that the adopted alternative notes may be more appropriate rather than limiting use to “pre-sweetened only” as the term “pre-sweetened” was not defined and the adopted alternative notes appear to address the use.

- “for use in sweet and sour products only”: Several EWG members requested information from industry if this note was sufficient to cover all of the products where sweeteners are used in those food categories.
- Other notes limiting use to specific products: Several EWG members requested information from industry if this note was sufficient to cover all of the products where sweeteners are used in those food categories. More information on the use of sweeteners in these food categories is requested.

Based upon the discussion by the EWG members on the first circular, the second circular requested comment on the specific products proposed or further information for food categories in List X.

General Comments submitted to 2<sup>nd</sup> Circular pertaining to List X:

**Malaysia:** is strongly view that the ‘adopted alternative note’ should be utilized as a compromise solution in the context of energy reduction or no added sugars. However, restrictions on the use of sweeteners to specific products within a food category may be acceptable if there is information on the technological justification.

**Yemen:** Agree with proposal that list V and X to provide recommendations for replacement Note for Note 161

**Table 2: Final EWG proposal for food categories in List X/Recommendation 5 of CX/FA 15/74/13 (Food categories where Note 161 can be replaced by a more specific note)**

Food Category No.	Title	Proposals from CX/FA 15/47/13 and 2 <sup>nd</sup> circular	Final EWG proposal
01.3.2	Beverage whiteners	<p><u>CX/FA 15/47/13</u>: Replace with new note “For use in pre-sweetened beverage whiteners only”</p> <p><u>2<sup>nd</sup> Circular</u>: The comments of some EWG members indicated that this food category includes both sweetened and unsweetened products. Request information on the technological justification and specific product types in this food category that use sweeteners.</p>	<p><u>Final Proposal</u>: Discuss further</p>
<p><u>EWG Comments on 2<sup>nd</sup> Circular</u></p> <p><b>Brazil:</b> Supports 2<sup>nd</sup> circular proposal</p> <p><b>Colombia:</b> allows the use of sweeteners in coffee and tea whiteners. Despite the fact that sugar (sucrose) can be added to this varieties in some countries due to the consumer needs sugar might be replaced partially or totally by sweeteners</p> <p><b>EU:</b> sweeteners are not permitted for use in beverage whiteners in the EU. The EU wonders whether there are beverage whiteners containing sugar(s) which may be replaced by the use of sweeteners. Corresponding commodity standards (CXS 250-2006 and 252-2006) do not allow the use of sweeteners.</p> <p><b>USA:</b> supports the use of sweeteners in this food category with the application of the alternative notes and notes XS250 and XS252. A market survey review [(Mintel's Global New Products Database (GNPD)) indicates over 100 products across 13 countries that use non-nutritive sweeteners. See the attachment to USA's comment that includes a list of select product examples from various countries <a href="http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&amp;url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-711-52%252FLinks%252FUSA-">http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&amp;url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-711-52%252FLinks%252FUSA-</a></p>			

[Product examples.pdf](#).

The USA also notes that the scope of this food category includes both sweetened and unsweetened standardized and non-standardized products (for example, the descriptor includes “condensed milk analogues” and this category includes flavoured products which would not be covered under the commodity standards).

**FoodDrinkEurope:** Sweeteners are used in coffee and tea whiteners. Despite the fact that sugar (sucrose) can be added to this varieties in some countries due to the consumer needs sugar might be replaced partially or totally by sweeteners.

**IDF (with CCC support):** Sweeteners are used in these products either to fully replace sugar for a “no added sugar” claim and for health advantages or are added in addition to sugar (potentially reduced sugar) for certain taste profiles. See the list of examples of products available on the market <http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-711-52%252FLinks%252FIDF-Examples.pdf>

01.4.4	Cream analogues	<p><u>CX/FA 15/47/13:</u> Replace with new note “For use in pre-sweetened cream analogues only”</p> <p><u>2<sup>nd</sup> Circular:</u> The comments of some EWG members indicated that this food category includes both sweetened and unsweetened products. Request information on the technological justification and specific product types in this food category that use sweeteners.</p>	<p><u>Final Proposal:</u> Discuss Further</p>
<p><u>EWG Comments on 2<sup>nd</sup> Circular</u>  <b>Brazil:</b> Supports 2<sup>nd</sup> circular proposal</p> <p><b>Colombia:</b> Whipped cream toppings might use sweeteners to replace partially the sugar when consumer needs justify it.</p> <p><b>EU:</b> sweeteners are not permitted for use in cream analogues in the EU. The EU wonders whether there are cream analogues containing sugar(s) which may be replaced by the use of sweeteners.</p> <p><b>USA:</b> supports the use of sweeteners in this food category and with the application of the alternative notes. A market survey review (Mintel's Global New Products Database (GNPD)) indicates three products from the Philippines that use non-nutritive sweeteners. (See the <a href="#">attachment</a> that includes examples).</p> <p><b>FoodDrinkEurope:</b> Sweeteners might be used in whipped cream toppings to replace partially the sugar when consumer needs justify it.</p>			
01.5.2	Milk and cream powder analogues	<p><u>CX/FA 15/47/13:</u> Replace with new note “For use in pre-sweetened milk and cream powder analogues only”</p> <p><u>2<sup>nd</sup> Circular:</u> The comments of some EWG members indicated that this food category includes both sweetened and unsweetened products. Request information on the technological justification and specific product types in this food category that use sweeteners.</p>	<p><u>Final Proposal:</u> Discuss Further</p>
<p><u>EWG Comments on 2<sup>nd</sup> Circular:</u></p>			

**Brazil:** Supports 2<sup>nd</sup> circular proposal

**EU:** sweeteners are not permitted for use in milk and cream powder analogues in the EU. The EU wonders whether there are milk and cream powder analogues containing sugar(s) which may be replaced by the use of sweeteners.

**USA:** supports the use of sweeteners in this food category and with the application of the alternative notes. This food category is the powder equivalent to FC 01.4.4. Decision for this food category should be consistent with FC 01.4.4.

**IDF (with CCC support):** There are analogue milk powders (e.g. powdered skimmed milk products with vegetable fat) for both adult and children above 3 years that use sweeteners. Sweeteners are used in these products either to fully replace sugar for a “no added sugar” claim and for health advantages or are added in addition to sugar (potentially reduced sugar) for certain taste profiles.

01.6.1	Unripened cheese	<p><u>CX/FA 15/47/13:</u> Replace with a new note “For use in flavoured unripened cheese only”</p> <p><u>2<sup>nd</sup> Circular:</u> The descriptor for this FC includes flavoured products. Request further information on the types of flavoured products in this food category that use sweeteners and technological justification for sweeteners in those products.</p>	<p><u>Final Proposal:</u> Discuss further</p>
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EWG Comments on 2<sup>nd</sup> Circular

**Brazil:** Supports 2<sup>nd</sup> circular proposal

**Colombia:** Colombia allows the use of sweeteners in cheeses that can be sweetened to reduce calories, like fresh cheese filled with “dulce de leche” or fruit sauce, or petit-suisse cheese.

**EU:** questions the technological need as sugars are not (typically) used in unripened cheese

**USA:** supports the use of sweeteners in this food category and with the application of the alternative notes. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 30 products across 14 countries that use non-nutritive sweeteners. See the [attachment](#) to USA's comment that includes a list of select product examples from various countries. The Food category descriptor states that “most products are plain, however, some such as cottage cheese and cream cheese may be flavoured...” Although none of the corresponding commodity standards list sweeteners, they also do not discuss flavourings – this includes the standards for cottage cheese (CXS273) and cream cheese (CXS275). It would appear that the flavoured products are not in the scope of the corresponding commodity standards.

**IDF (with CCC support):** Sweeteners are used in these products either to fully replace sugar for a “no added sugar” claim and for health advantages or are added in addition to sugar (potentially reduced sugar) for certain taste profiles. See the [list of examples](#) of products available on the market.

01.6.5	Cheese analogues	<p><u>CX/FA 15/47/13:</u> Replace with a new note “For use in pre-sweetened products only”</p> <p><u>2<sup>nd</sup> Circular:</u> Request information on the technological justification and specific product types in this food category that use sweeteners</p>	<p><u>Final Proposal:</u> Discontinue or revoke provisions as no information on current use was provided.</p>
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EWG Comments on 2<sup>nd</sup> Circular

<b>Brazil:</b> Supports 2 <sup>nd</sup> circular proposal			
<b>EU:</b> questions the technological need as sugars are not (typically) used in cheese.			
<b>USA:</b> Can support the use of sweeteners in this food category and with the application of the alternative notes. This is a broad food category that includes imitation cheese products. It can be expected that sweeteners would be used in such a processed food category.			
04.1.2.1	Frozen fruit	<p><u>CX/FA 15/47/13:</u> Replace with a new note “For products in a syrup or juice with no added sugar only”</p> <p><u>2<sup>nd</sup> Circular:</u> Replace with adopted alternative notes and new note “For use in products in a syrup or juice only”.</p>	<p><u>Final Proposal:</u> Replace Note 161 with adopted alternative notes from CCFA51 and new note “For use in products in a syrup or juice only”.</p>
<p><u>EWG Comments on 2<sup>nd</sup> Circular</u> <b>Chile, Colombia, EU, USA, CCC, ISA:</b> supports the 2<sup>nd</sup> circular proposal</p> <p><b>Brazil:</b> Supports replacement of Note 161 with the appropriate alternative note as discussed at CCFA51. If the second alternative note applies (flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose), we request clarification on technological justification (which food flavour notes need to be enhanced) and examples of products available in the market.</p>			
04.1.2.2	Dried fruit	<p><u>CX/FA 15/47/13:</u> Replace with a new note “For use only in non-standardised energy-reduced products or products with no added sugars as defined in CXG 23-1997”</p> <p><u>2<sup>nd</sup> Circular:</u> Request further information on the types of products in this food category that use sweeteners and technological justification for sweeteners in those products. Also request clarification on difference between products in this FC and 04.1.2.7 “Candied fruit” – which are dried, sugar coated fruits (see descriptor for FC 04.1.2.3 which also discusses FC 04.1.2.7)</p>	<p><u>Final Proposal:</u> Replace Note 161 with adopted alternative notes from CCFA51 and move provisions to FC 04.1.2.7</p>
<p><u>EWG Comments on 2<sup>nd</sup> Circular</u> <b>Brazil:</b> Supports 2<sup>nd</sup> circular proposal</p> <p><b>EU:</b> supports the recommendation in order to clarify the types of products for which the use of sweeteners was requested. The EU is not aware of such products in FC 04.1.2.2. FC 04.1.2.2 does not refer to sugar coated products and in the EU’s view sugar coated products fall under FC 04.1.2.7.</p> <p><b>USA:</b> The USA recognizes that there are dried fruits that are dusted with sugar, as well as dried fruit leathers (fruit rolls) that utilize sugar for sweetness. Sweeteners can and are used to replace sugar in these products. CXS 67-1981 states that raisins can be sugar coated and that such products are not covered by the standard. CXS 177-1991 states the standard does not cover “sugared, or flavoured” products. So the corresponding commodity standards to this FC recognize that there are dried fruit products that are sweetened that are not covered by the standards. Although it is the position of the USA that the most clear interpretation of the descriptors would be to include these products in FC 04.1.2.2, as a compromise, the USA could agree to the inclusion of these products under FC 04.1.2.7 if the Committee agrees that such products are in the scope of 04.1.2.7. See the <a href="#">attachment</a> to USA’s comment for FC 04.1.2.7 that includes a list of select product examples from various countries.</p>			
04.1.2.3	Fruit in vinegar, oil, or brine	<u>CX/FA 15/47/13 and 2<sup>nd</sup> Circular:</u> Replace with existing note 144: “For	<u>Final Proposal:</u>

		use in sweet and sour products only".	Replace Note 161 with existing Note 144
<p><u>EWG Comments on 2<sup>nd</sup> Circular:</u>  <b>Chile, Colombia, EU, USA, CCC, ISA:</b> supports 2<sup>nd</sup> circular proposal</p>			
04.1.2.7	Candied fruit	<p><u>CX/FA 15/47/13</u> : Replace with a new note "For use in candied plums only"</p> <p><u>2<sup>nd</sup> Circular:</u> Request information on shelf stability of products where sweeteners replace sugar. Also request information if used in only specific products or generally across FC, and clarification on difference between products in this FC and 04.1.2.2.</p>	<p><u>Final Proposal:</u>  Replace Note 161 with the adopted alternative notes from CCFA51.</p>
<p><u>EWG Comments on 2<sup>nd</sup> Circular:</u>  <b>Brazil, EU, CCC:</b> Supports 2<sup>nd</sup> circular proposal</p> <p><b>USA:</b> supports the use of sweeteners in this food category and with the application of the alternative notes. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 300 products across 15 countries that use non-nutritive sweeteners. See the <a href="#">attachment</a> to USA's comment that includes a list of select product examples from various countries.</p> <p><b>ISA:</b> Sweeteners use in candied fruit is permitted in different regions, including e.g. the EU, which has a corresponding food category 5.2 "Other confectionery including breath freshening micro-sweets." In the EU the following maximum levels apply:  E 950 Acesulfame K ML = 500 mg/kg, only cocoa or dried fruit based, energy reduced or with no added sugar  E 951 Aspartame - ML = 2000 mg/kg , only cocoa- or dried fruit-based, energy-reduced or with no added sugar  E 952 Cyclamic acid and its Na and Ca salts - ML = 500 mg/kg, only cocoa, milk, dried fruit or fat based sandwich spreads, energy-reduced or with no added sugar  E 954 Saccharin and its Na, K and Ca salts - ML = 500 mg/kg, only cocoa or dried fruit based, energy-reduced or with no added sugar  E 955 Sucralose - ML = 800 mg/kg, only cocoa or dried-fruit-based, energy-reduced or with no added sugar  E 957 Thaumatin - ML = 50 mg/kg, only cocoa- or dried fruit-based, energy-reduced or with no added sugar  E 961 Neotame - ML = 65 mg/kg, only cocoa-or dried fruit-based, energy-reduced or with no added sugar  E 960 Steviol Glycosides - ML = 270 mg/kg, only cocoa- or dried fruit-based, energy-reduced or with no added sugar  E 969 Advantame - ML = 20 mg/kg, only cocoa or dried fruit based, energy reduced or with no added sugar"</p>			
04.2.2.2	Dried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera) seaweeds, nuts, and seeds	<p><u>CX/FA 15/47/13 and 2<sup>nd</sup> Circular:</u> Replace with existing note 144 "For use in sweet and sour products only" and new note "For general use in dried seaweed only".</p>	<p><u>Final Proposal:</u>  Replace Note 161 with note 144 "For use in sweet and sour products only" and new note "For general use in dried seaweed only".</p>
<p><u>EWG Comments on 2<sup>nd</sup> Circular:</u>  <b>Chile, Colombia, EU, CCC, ISA:</b> Supports the 2<sup>nd</sup> circular proposal</p> <p><b>USA:</b> supports 2<sup>nd</sup> circular proposal. Although one product found in market search "Spicy dried turnip – in China manufactured by Sichuan Weijute Food" does not appear to be sweet or sour.</p>			

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	<u>CX/FA 15/47/13 and 2<sup>nd</sup> Circular:</u> Replace with existing note 144: “For use in sweet and sour products only”.	<u>Final Proposal:</u> Replace Note 161 with note 144: “For use in sweet and sour products only”.
<u>EWG Comments on 2<sup>nd</sup> Circular:</u> <b>Chile, Colombia, EU, USA, CCC, ISA:</b> supports 2 <sup>nd</sup> circular proposal			
04.2.2.6	Vegetables (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	<u>CX/FA 15/47/13:</u> Replace with new notes “In crystallised ginger only” and “For use in traditional sweets containing boiled bean paste only”  <u>2<sup>nd</sup> Circular:</u> Replace with new notes “In crystallised ginger only” and “For use in traditional sweets containing boiled bean paste only”	<u>Final Proposal:</u> Replace Note 161 with adopted alternative notes from CCFA51
<u>EWG Comments on 2<sup>nd</sup> Circular :</u> <b>Brazil, EU, CCC:</b> Supports 2 <sup>nd</sup> circular proposal  <b>USA:</b> the product description includes salsa and tomato sauces. Sweeteners are used in these products. The USA supports the application of the alternative notes and additional notes limiting use to salsa, tomato sauces, and other specific foods as per examples provided by other EWG members. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 60 products across 21 countries that use non-nutritive sweeteners. See the <a href="#">attachment</a> to USA's comment that includes a list of select product examples from various countries.  <b>ISA:</b> Sweeteners within this food category are permitted in different regions, including e.g. the EU, which has a corresponding food category 4.2.4.1: Fruit and vegetable preparations excluding compote”. In the EU the following maximum levels apply: E 950 Acesulfame K ML = 350 mg/kg, only energy-reduced E 951 Aspartame ML = 1000 mg/kg, only energy-reduced E 952 Cyclamic acid and its Na and Ca salts ML = 250 mg/kg, only energy-reduced E 954 Saccharin and its Na, K and Ca salts ML = 200 mg/kg, only energy-reduced, ML = 50 mg/kg, only seaweed-based fish roe analogues E 955 Sucralose ML = 400 mg/kg, only energy-reduced E 961 Neotame ML = 32 mg/kg, only energy-reduced E 960 Steviol Glycosides ML = 200 mg/kg, only energy-reduced E 969 Advantame ML = 10 mg/kg, only energy-reduced			
04.2.2.7	Fermented vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweed products, excluding fermented soybean products of food categories 06.5.6, 06.8.7, 12.9.1, 12.9.2.1 and 12.9.2.3	<u>CX/FA 15/47/13 and 2<sup>nd</sup> Circular:</u> Replace with existing note 144: “For use in sweet and sour products only”.	<u>Final Proposal:</u> Replace Note 161 with note 144: “For use in sweet and sour products only”.
<u>EWG Comments on 2<sup>nd</sup> Circular:</u>			

<b>Chile, Colombia, EU, USA, CCC, ISA: supports 2<sup>nd</sup> circular proposal</b>			
04.2.2.8	Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweed	<u>CX/FA 15/47/13</u> : Replace with new note “for use in boiled beans only”  <u>2<sup>nd</sup> Circular</u> : Request further information on types of products in this food category utilize sweeteners, and if use is limited to specific products or more general across food category (for example, use may be limited to coated products).	<u>Final Proposal</u> : Discontinue or revoke provisions as no information on current use was provided.
<u>EWG Comments on 2<sup>nd</sup> Circular</u> : <b>Brazil, EU, CCC</b> : Supports 2 <sup>nd</sup> circular proposal  <b>USA</b> : The USA notes that the descriptor for this food category includes coated and uncoated products. Sweeteners could be used in the coating, for example the batter for fried vegetables. The USA supports the use of sweeteners in this food category with the application of the alternative notes and a note limiting use to coatings.			

### List W

List W of CX/FA 15/47/13 identifies four food categories where, although general support for the use of sweeteners was provided, no examples of products which utilized sweeteners or flavour enhancers were provided. Recommendation 4 of CX/FA 15/47/13 proposed replacing Note 161 with the ERONAS Note or to discontinue/revoke the provisions in the food categories in List W.

In the first circular for the EWG on Note 161 to CCFA52, EWG members were requested to indicate whether they agreed or disagreed with several options (discontinue/revoke, ERONAS note, or Adopted Alternative Note) and to provide information on the use of sweeteners and flavour enhancers for each food category in List W. The EWG discussion on the first circular can be summarized as follows:

- discontinue/revoke: There was disagreement within the EWG for certain food categories with some EWG members supporting the discontinuation or revocation of provisions for sweeteners pending technological justification for the use of sweeteners in those food categories, while the majority of EWG members did not agree to discontinue or revoke provisions for sweeteners in any of the food categories under discussion.
- ERONAS note: Several EWG Members stated that they agreed with the use of the ERONAS note as a replacement for Note 161 in the food categories under discussion. However, the majority of responses to the EWG disagreed with the use of the ERONAS note in any food category.
- adopted alternative notes: Multiple EWG members agreed with the use of the adopted alternative notes from CCFA51, and no EWG member submitted comment that disagreed with the use of the adopted alternative notes from CCFA51.

Based upon the discussion by the EWG members on the first circular, the second circular requested comment on proposed approaches or further information for food categories in List W.

**Table 3: Final EWG proposal for food categories in List W/Recommendation 4 from CX/FA 15/47/13 (Food categories where Note 161 can be replaced by ERONAS note or provisions discontinued/revoked)**

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
02.3	Fat emulsions mainly of type oil-in-water, including mixed and/or flavoured products based on fat emulsions	<p><u>2<sup>nd</sup> Circular Proposal:</u> Request further information on justification for use and types of products in this food category that utilize sweeteners, and if use is limited to specific products or more general across food category (for example, use may be limited to flavoured products only).</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> Supports 2<sup>nd</sup> circular proposal</p> <p><b>EU:</b> supports the recommendation. To the EU's knowledge, sweeteners are not technologically justified in this category.</p>	Discontinue/Revoke – no information on use provided.
04.1.2.11	Fruit fillings for pastries	<p><u>2<sup>nd</sup> Circular Proposal:</u> Request further information on products and justification for use. Propose use of adopted alternative notes.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> Supports replacement of Note 161 with the appropriate alternative note as discussed at CCFA51. If the second alternative note applies (flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose), we request clarification on technological justification (which food flavour notes need to be enhanced) and examples of products available in the market.</p> <p><b>Colombia:</b> considers that the approval of the new alternative note to note 161 is feasible, because the sweeteners in this food category is justified as a means both for the substitution of sugar, as well as for mixtures that have a reduced calorie product . Currently in the country glazes are allowed, and pastry fillings with sweeteners, either sea for sugar reduction issues or to highlight flavors in the food.</p> <p><b>EU:</b> supports the recommendation. Further information is needed to judge the technological need.</p> <p><b>Malaysia:</b> Support adopted alternative notes.</p> <p><b>USA:</b> supports the 2<sup>nd</sup> circular proposal of use of the alternative notes. Fruit fillings for pastries are sweet, high calorie products and sweeteners can be used to replace sugar in these products.</p> <p><b>CCC:</b> agrees with the proposed use of the alternative note and is continuing to identify additional data on justification of use</p>	Replace Note 161 with the adopted alternative notes from CCFA51
05.1.2*	Cocoa mixes (syrups)	<p><u>2<sup>nd</sup> Circular Proposal:</u> Request further information on products and justification for use. Also request clarification on difference between products in this FC and FC 05.4. The descriptor for FC 05.1.2 states "Chocolate syrup differs from fudge sauce... which is found in category 05.4".</p>	Replace Note 161 with the adopted alternative notes from CCFA51

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		<p>Propose use of adopted alternative notes.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u>  <b>Brazil:</b> Supports replacement of Note 161 with the appropriate alternative note as discussed at CCFA51. If the second alternative note applies (flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose), we request clarification on technological justification (which food flavour notes need to be enhanced) and examples of products available in the market.</p> <p><b>Colombia, Malaysia:</b> supports the 2<sup>nd</sup> circular proposal</p> <p><b>EU:</b> supports the recommendation. Further information is needed to judge the technological need.</p> <p><b>USA:</b> supports the use of sweeteners in this FC. FC 05.1.2 is a counterpart to FC 05.1.1. The USA proposes that Note 161 be removed from provisions in this FC as there are multiple provisions for sweeteners that were adopted in FC 05.1.1 in 2016 without Note 161, and sweeteners are allowed in the corresponding commodity standards. However, as a compromise the USA could agree to the use of the alternative notes.</p> <p><b>CCC:</b> agrees with the proposed use of the alternative note and is continuing to identify additional data on justification of use</p> <p><b>ISA:</b> ISA supports the use of adopted alternative notes. ISA understands that sweeteners are permitted in products within this category in different regions, including e.g. the EU, which has a corresponding FC 5.4. "Decorations, coatings and fillings, except fruit-based fillings covered by category 4.2.4":  E 950 Acesulfame K ML = 500 mg/kg, only cocoa or dried fruit based, energy reduced or with no added sugar  E 954 Saccharin and its Na, K and Ca salts - ML = 500 mg/kg , only cocoa or dried-fruit-based, energy-reduced or with no added sugar  E 955 Sucralose - ML = 800 mg/kg , only cocoa or dried fruit based, energy-reduced or with no added sugar  E 957 Thaumatin ML = 50 mg/kg , only cocoa-or dried fruit-based, energy-reduced or with no added sugar  E 961 Neotame ML = 65 mg/kg , only cocoa- or dried fruit-based, energy-reduced or with no added sugar  E 960 Steviol Glycosides, ML = 270 mg/kg , only cocoa or dried fruit based, energy reduced or with no added sugar</p>	

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		E 969 Advantame ML = 20 mg/kg , only cocoa or dried fruit based, energy reduced or with no added sugar"	
05.1.5	Imitation chocolate, chocolate substitute products	<p><u>2<sup>nd</sup> Circular Proposal:</u> Request further information on products and justification for use.</p> <p>Propose use of adopted alternative notes.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> Supports replacement of Note 161 with the appropriate alternative note as discussed at CCFA51. If the second alternative note applies (flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose), we request clarification on technological justification (which food flavour notes need to be enhanced) and examples of products available in the market.</p> <p><b>Colombia, Malaysia, FoodDrinkEurope:</b> supports the 2<sup>nd</sup> circular proposal</p> <p><b>EU:</b> supports the recommendation. Further information is needed to judge the technological need.</p> <p><b>Japan:</b> supports Alternative Note. Aspartame (INS 951) and sucralose (INS 955) are used in imitation chocolates with no added sugars and imitation chocolates less than 25% of energy reduction to provide sweetness without changing the texture. Sucralose is also used in imitation chocolates with high cacao content to mask the bitter taste.</p> <p><b>USA:</b> Supports the use of sweeteners in this food category and with the application of the alternative notes. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 5 products across 2 countries that use non-nutritive sweeteners. See the <a href="#">attachment</a> to USA's comment that includes a list of select product examples from various countries.</p> <p><b>CCC:</b> agrees with the proposed use of the alternative note and is continuing to identify additional data on justification of use</p> <p><b>ISA:</b> ISA supports the use of adopted alternative notes. ISA understands that sweeteners are permitted in products within this category in different regions, including e.g. the EU, which has a corresponding FC 5.2 "Other confectionery including breath freshening micro-sweets". E 950 Acesulfame K - ML = 2000 mg/kg , only cocoa- or dried fruit-based, energy-reduced or with no added sugar, ML = 1000 mg/kg , only confectionery with no added sugar, E 954 Saccharin and its Na, K and Ca salts - ML = 500 mg/kg , only cocoa or dried fruit based, energy-reduced or with no added sugar, ML = 500 mg/kg , only confectionery with no added sugar E 955 Sucralose ML = 800 mg/kg , only cocoa or dried-fruit-based, energy-reduced or with no added</p>	Replace Note 161 with the adopted alternative notes from CCFA51

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		sugar, ML = 1000 mg/kg , only confectionery with no added sugar E 957 Thaumatin ML = 50 mg/kg , only cocoa- or dried fruit-based, energy-reduced or with no added sugar ML = 50 mg/kg , only confectionery with no added sugar E 961 Neotame ML = 15 mg/kg , only energy-reduced tablet form confectionery E 960 Steviol Glycosides ML = 270 mg/kg , only cocoa- or dried fruit-based, energy-reduced or with no added sugar E 969 Advantame ML = 20 mg/kg , only cocoa or dried fruit based, energy reduced or with no added sugar, ML = 10 mg/kg , only confectionery with no added sugar	

\*Although FC 05.1.2 is not included in Lists T-Z of CX/FA 15/47/13, it is included in Annex B, List 1 of CX/FA 15/47/13 with information that no examples of products were provided.

### List Z

List Z of CX/FA 15/47/13 identifies three food categories where no justification for the use of sweeteners was provided and several respondents supported to discontinue/revoke the provisions in those food categories. Recommendation 7 of CX/FA 15/47/13 proposed to discontinue or revoke provisions for the use of sweeteners in the food categories in List Z.

In the first circular on Note 161 to CCFA52, EWG members were requested to indicate whether they agreed or disagreed with several options (discontinue/revoke, ERONAS note, or Adopted Alternative Note) and to provide information on the use of sweeteners and flavour enhancers in each of the food categories in List Z. The EWG discussion on the first circular can be summarized as follows:

- Discontinue/revoke: There was disagreement in the EWG with several EWG members supporting the discontinuation or revocation of provisions for sweeteners in the food categories under discussion while other EWG members did not agree to discontinue or revoke provisions for sweeteners in any of the food categories under discussion. Several EWG members provided information on the use of sweeteners in each of the food categories under discussion.
- ERONAS note: No EWG Members stated that they agreed with the use of the ERONAS note as a replacement for Note 161 in the food categories under discussion, while the majority of responses to the EWG disagreed with the use of the ERONAS note in these food categories.
- Adopted alternative notes: Although several EWG members agreed with the use of the adopted alternative notes from CCFA51, one EWG member submitted comment that disagreed with the use of the adopted alternative notes from CCFA51 in FCs 04.2.2.1 and 12.2.1. The comment that disagreed with the use of the adopted alternative notes in these food categories stated that the foods in those categories are not high calorie products so the use of sweeteners in those food categories is not technologically justified.

Based upon the discussion by the EWG members on the first circular, including information on use in these food categories, the second circular requested comment on proposed approaches or further information for food categories in List Z.

**Table 4: Final EWG proposal for food categories in List Z/ Recommendation 7 from CX/FA 15/47/13 (Food categories where the use of the three sweeteners can be discontinued or revoked)**

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
04.2.2.1	Frozen vegetables	<p><u>2<sup>nd</sup> Circular Proposal:</u> Comments submitted to first circular indicate use of sweeteners in frozen vegetables packed in sweet and sour sauce.</p> <p>Request comment on whether this FC is the appropriate FC for frozen vegetables packed in sauce.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> Supports replacement of Note 161 with the appropriate alternative note as discussed at CCFA51. If the second alternative note applies (flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose), we request clarification on technological justification (which food flavour notes need to be enhanced) and examples of products available in the market.</p> <p><b>Chile:</b> considers that this category is not appropriate in vegetables frozen in sauce.</p> <p><b>EU:</b> questions the technological need in frozen vegetables as such. None of the corresponding commodity standard allows sweeteners. The EU takes note that the product in question is “frozen vegetable packed in sauce” and that the use of sweeteners relates to sauce. The EU observes that the descriptor of FC 04.2.2.1 does not refer to / does not include “sauce”. Thus, the EU considers that the described product is rather a compound product consisting of frozen vegetables (FC 04.2.2.1) and a sauce (FC 12.6).</p> <p><b>USA:</b> it appears that this FC is intended to cover only vegetables and not component foods such as vegetables in sauce. The use of sweeteners in the sauce would appear to be covered in FC 12.6.1 or 12.6.2</p>	Discontinue or Revoke provisions for sweeteners in this FC.
04.2.2.5	Vegetables (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)	<p><u>2<sup>nd</sup> Circular Proposal:</u> Several comments indicate that products in this category include added sugars and sweeteners are used for sugar replacement in these products.</p> <p>Propose replace Note 161 with adopted alternative notes.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> Supports replacement of Note 161 with the appropriate alternative note as discussed at CCFA51. If the second alternative note applies (flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose), we request clarification on technological justification (which food flavour notes need to be enhanced) and examples of products available in the market.</p> <p><b>Chile, EU, Malaysia, USA:</b> supports 2<sup>nd</sup> circular proposal</p>	Replace Note 161 with the adopted alternative notes from CCFA51

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		<p><b>CCC, ISA:</b> agrees with the proposed use of the alternative note and is continuing to identify additional data on justification of use</p>	
12.2.1	Herbs and spices	<p><u>2<sup>nd</sup> Circular Proposal:</u> The descriptor for this food category includes pastes, dry cures, and rubs. Information has been provided that sweeteners are used in these products. However, certain Codex Members may refer to these products as seasonings, and therefore may be more appropriate under FC 12.2.2. CX/FA 15/47/13 discussed this issue (Annex B List 3) and proposed that this use be considered under FC 12.2.2.</p> <p>Request comment from EWG on proposal that provisions in FC 12.2.1 be discontinued/revoked and moved to FC 12.2.2.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Chile, Colombia:</b> supports the 2<sup>nd</sup> circular proposal</p> <p><b>EU:</b> In the EU's understanding, there are substantial differences between "herbs and spices" and "seasonings and condiments". As provided for in the descriptor of FC 12.2.1 "Herbs and spices are usually derived from botanical sources, and may be dehydrated, and either ground or whole....". There is a very limited technological need for food additives in those products.</p> <p>On the other hand mixtures of herbs and spices together with other food ingredients blended in order to achieve an improvement in taste, eating quality and/or functionality of a food should fall, in the EU's understating, under the FC 12.2.2 'Seasonings and condiments' and the use of more additives is justified for such products.</p> <p><b>CCC:</b> The Codex description of "Herbs and Spices" under Food Category 12.2.1 is the following: Herbs and spices are usually derived from botanical sources, and may be dehydrated, and either ground or whole. Examples of herbs include basil, oregano and thyme. Examples of spices include cumin and caraway seeds. Spices may also be found as blends in powder or paste form. Examples of spice blends include chili seasoning, chili paste, curry paste, curry roux, and dry cures or rubs that are applied to external surfaces of meat or fish. It is noteworthy that sweeteners such as ace-K and neotame are currently already allowed in the category in some instances. CCC supports the use of the adopted alternative note. Rubs, pastes, and dry cures are included in this category and there is no consensus that they should be exclusive to FC 12.2.2, the committee should include the adopted alternative note in FC 12.2.1 to ensure these product types can continue to be made with sweeteners if applicable. Further, products such as candied (or crystalized) ginger may be made with sweeteners.</p>	Discuss further

Additional food categories with adopted provisions or provisions for sweeteners in the step process with "Note 161" not listed in CX/FA 15/47/13

In preparing the first circular for the EWG on Note 161 to CCFA52, the Chairs of the EWG compiled a list of food categories in the GSFA not listed in CX/FA 15/47/13 but that contained provisions for sweeteners with Note 161.

In the first circular, EWG members were requested to indicate whether they agreed or disagreed with several options (discontinue/revoke, ERONAS note, or Adopted Alternative Note), as replacements for Note 161 when applied to sweeteners in the food categories not listed in CX/FA 15/47/13 but that contained provisions for sweeteners with Note 161.

Based upon the discussion by the EWG members on the first circular, including information on use in these food categories, the second circular requested comment on proposed approaches or further information for food categories not listed in CX/FA 15/47/13 but that contained provisions for sweeteners with Note 161.

**Table 5: Final EWG proposal for food categories not listed in CX/FA 15/47/13**

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
07.2	Fine bakery wares (sweet, salty, savoury) and mixes)	<p><u>2<sup>nd</sup> Circular Proposal:</u> Majority of comments support adopted alternative notes with no comments opposed. Several comments noted use in all subcategories.</p> <p>Propose replace Note 161 with adopted alternative notes.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil, Chile, Colombia, EU, Malaysia, USA, CCC, FoodDrinkEurope, ISA:</b> supports 2<sup>nd</sup> circular proposal</p>	Replace Note 161 with the adopted alternative notes from CCFA51
08.2.2	Heat-treated processed meat, poultry, and game products in whole pieces or cuts	<p><u>2<sup>nd</sup> Circular Proposal:</u> Majority of comments support discontinue/revoke.</p> <p>Request information on types of products and technological justification in this food category. If none provided discontinue/revoke.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> only permits the use of flavor enhancers that do not have sweetener function for this FC. However, we may support the second alternative note in flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose, if clarification on technological justification (which food flavour notes need to be enhanced) is provided and examples of products available in the market. If none provided, discontinue/revoke.</p> <p><b>Chile:</b> Agrees to revoke if no more information is provided</p> <p><b>Colombia:</b> considers that in these food categories, the uses of “reduced calories or no added sugar” statements are not relevant since the nature of the food should not be high in calories or sugars, so Colombia recommends suspending the provisions.</p>	Discontinue or Revoke provisions as no information on current use was provided.

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		<p><b>EU:</b> is of the view that the provisions shall be discontinued/revoked.</p>	
08.3.2	Heat-treated processed comminuted meat, poultry, and game products	<p><u>2<sup>nd</sup> Circular Proposal:</u> Majority of comments support discontinue/revoke.</p> <p>Request information on types of products and technological justification in this food category. If none provided discontinue/revoke</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> only permits the use of flavor enhancers that do not have sweetener function for this FC. However, we may support the second alternative note in flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose, if clarification on technological justification (which food flavour notes need to be enhanced) is provided and examples of products available in the market. If none provided, discontinue/revoke.</p> <p><b>Chile:</b> Agrees to revoke if no more information is provided</p> <p><b>Colombia:</b> considers that in these food categories, the uses of “reduced calories or no added sugar” statements are not relevant since the nature of the food should not be high in calories or sugars, so Colombia recommends suspending the provisions.</p> <p><b>EU:</b> is of the view that the provisions shall be discontinued/revoked.</p> <p><b>USA:</b> supports the use of sweeteners in this food category and with the application of the alternative notes and notes XS88, XS89, and XS98. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 40 products across 15 countries that use non-nutritive sweeteners. See the <a href="#">attachment</a> to USA's comment that includes a list of select product examples from various countries.</p>	Discuss further
09.2.4.1	Cooked fish and fish products	<p><u>2<sup>nd</sup> Circular Proposal:</u> Majority of comments support discontinue/revoke.</p> <p>Request information on types of products and technological justification in this food category. If none provided discontinue/revoke.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> only permits the use of flavor enhancers that do not have sweetener function for this FC. However, we may support the second alternative note in flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose, if clarification on technological justification (which food flavour notes need to be enhanced) is provided and examples of products available in the market. If none provided,</p>	Discuss further

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		<p>discontinue/revoke.</p> <p><b>Colombia:</b> considers that in these food categories, the uses of “reduced calories or no added sugar” statements are not relevant since the nature of the food should not be high in calories or sugars, so Colombia recommends suspending the provisions.</p> <p><b>Chile:</b> Agrees to revoke if no more information is provided</p> <p><b>EU:</b> is of the view that the provisions shall be discontinued/revoked.</p> <p><b>Japan:</b> supports Alternative Note. Sucralose (INS 955) is used in cooked fish products boiled down in soy sauce to provide sweetness. The energy reduction of these products are less than 25%.</p> <p><b>Saudi Arabia:</b> Accept the proposed use of the alternative note</p> <p><b>USA:</b> supports the use of sweeteners in this food category and with the application of the alternative notes. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 5 products across 6 countries that use non-nutritive sweeteners. See the <a href="#">attachment</a> to USA's comment that includes a list of select product examples from various countries. Note, several products are for cooked crustaceans, which are in the scope of FC 09.2.4.2.</p> <p><b>ISA:</b> ISA understands that sweeteners are permitted in products within this category in different regions, including e.g. the EU. The corresponding food category in the EU is FC 9.2: Processed fish and fisheries products including molluscs and crustaceans The following maximum levels apply: E 950 Acesulfame K ML = 200 mg/kg , only sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs E 951 Aspartame ML = 300 mg/kg , only sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs E 954 Saccharin and its Na, K and Ca salts ML = 160 mg/kg , only sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs E 955 Sucralose ML = 120 mg/kg , only sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs E 961 Neotame ML = 10 mg/kg , only sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs E 969 Advantame ML = 3 mg/kg , only sweet-sour preserves and semi preserves of fish and marinades or fish, crustaceans and molluscs"</p>	
09.3	Semi-preserved	<u>2<sup>nd</sup> Circular Proposal:</u>	replace Note

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
	fish and fish products, including mollusks, crustaceans, and echinoderms	<p>Information was provided on the use of sweeteners in sweet and sour products.</p> <p>Propose replace Note 161 with Note 144 “for use in sweet and sour products only”.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u>  <b>Colombia, EU, Saudi Arabia, USA:</b> supports 2<sup>nd</sup> circular proposal</p> <p><b>Chile:</b> Agrees to revoke if no more information is provided</p> <p><b>CCC, ISA:</b> agrees with the proposed use of the alternative note</p>	161 with Note 144 “for use in sweet and sour products only”
09.4	Fully preserved, including canned or fermented fish and fish products, including mollusks, crustaceans, and echinoderms	<p><u>2<sup>nd</sup> Circular Proposal:</u>  Information was provided on the use of sweeteners in sweet and sour products.</p> <p>Propose replace Note 161 with Note 144 “for use in sweet and sour products only”.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u>  <b>Chile, Colombia, EU, Saudi Arabia, USA:</b> supports 2<sup>nd</sup> circular proposal</p> <p><b>CCC, ISA:</b> agrees with the proposed use of the alternative note</p>	replace Note 161 with Note 144 “for use in sweet and sour products only”

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
11.4	Other sugars and syrups (e.g. xylose, maple syrup, sugar toppings)	<p><u>2<sup>nd</sup> Circular Proposal:</u> Several EWG members noted that this food category covers a wide variety of products. Information was provided on use in this food category.</p> <p>Request further information on the technological justification and types of products in this food category that utilize sweeteners.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil, EU:</b> Supports 2<sup>nd</sup> circular proposal</p> <p><b>Colombia:</b> considers that the approval of the new alternative note to note 161 is feasible, since the sweeteners in this food category are justified as a means both for sugar substitution and for mixtures that have a reduced calorie product. Currently, sugars and syrups with sweeteners are allowed in the country.</p> <p><b>USA:</b> There are multiple adopted provisions for sweeteners in this food category. All of them have Note 159 “For use in pancake syrup and maple syrup only” attached to them. Only one of them has note 161 attached to them (Sucralose). The USA questions why the use of sweeteners is limited to pancake and maple syrup. This food category contains a wide variety of high calorie syrups, and sweeteners could be used to replace sugar in these all of these processed foods. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 100 products across 25 countries that use non-nutritive sweeteners. This list is not limited to pancake or maple syrup. See the <a href="#">attachment</a> to USA's comment that includes a list of select product examples from various countries.</p> <p>The USA proposes that Note 159 be removed from all adopted provisions for sweeteners in FC 11.4. As a compromise, the USA can accept the use of the alternative notes to replace both Note 161 and 159 for sweeteners in this food category.</p> <p><b>CCC:</b> agrees with the proposed use of the alternative note and is continuing to identify additional data on justification of use</p>	Replace Note 161 with the adopted alternative notes from CCF51
12.2	Herbs, spices, seasonings and condiments (e.g. seasoning for instance noodles)	<p><u>2<sup>nd</sup> Circular Proposal:</u> This is a parent food category and the subcategories are under discussion in this circular. Propose Discontinue/Revoke and move to/apply decision for subcategories to provisions in FC 12.2</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil, Chile, Colombia, EU:</b> Supports 2<sup>nd</sup> circular proposal</p> <p><b>USA:</b> provided the EWG agrees that sweeteners are not used in both subcategories, the USA could support the 2<sup>nd</sup> circular proposal.</p>	Hold depending discussion on use of sweeteners in subcategories

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
12.6.1	Emulsified sauces and dips (e.g. mayonnaise, salad dressing, onion dip)	<p><u>2<sup>nd</sup> Circular Proposal:</u> Majority of comments support adopted alternative notes with no comments opposed.</p> <p>Propose replace Note 161 with adopted alternative notes.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Chile, Colombia, EU, Saudi Arabia, USA, CCC, FoodDrinkEurope, ISA:</b> supports 2<sup>nd</sup> circular proposal</p> <p><b>Brazil:</b> only permits the use of flavor enhancers that do not have sweetener function for this FC. However, we may support the replacement of note 161 with appropriate alternative note. If the second alternative note applies in case of flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose, clarification on technological justification (which food flavour notes need to be enhanced) must be provided.</p> <p><b>Japan:</b> supports Alternative Note since acesulfame potassium (INS950) is used in emulsified sesame dressing to provide sweetness. The energy reduction of this product is less than 25%.</p>	Replace Note 161 with the adopted alternative notes from CCFA51
14.2.7	Aromatized alcoholic beverages (e.g. beer, wine and spirituous cooler-type beverages, low alcoholic refreshers)	<p><u>2<sup>nd</sup> Circular Proposal:</u> Majority of comments support adopted alternative notes with no comments opposed.</p> <p>Propose replace Note 161 with adopted alternative notes.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> may support the second alternative note in case of flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose in the light of technological justification (which food flavour notes need to be enhanced) and examples of products available in the market. In our opinion, there is no technological justification for use as sweetener, since those products are not intended to have a no sugar or energy reduced claim.</p> <p><b>Colombia:</b> Currently in Colombia the addition of sweeteners in Alcoholic Beverages is not allowed. These products are not classified as food, so it is considered that the use of sweeteners should not be used to generate nutritional properties that stimulate the purchase and consumption of Alcoholic Beverages. Colombia insists that the proposal for sweeteners in Alcoholic Beverages should be discontinued.</p> <p><b>EU, Saudi Arabia, USA, CCC, ISA:</b> supports 2<sup>nd</sup> circular proposal</p>	Discuss further
15.0	Ready-to-eat savouries	<p><u>2<sup>nd</sup> Circular Proposal:</u> Majority of comments support adopted alternative notes with no comments opposed.</p> <p>Propose replace Note 161 with adopted alternative notes.</p>	Replace Note 161 with the adopted alternative

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		<u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Chile, Colombia, EU, Malaysia, Saudi Arabia, USA, CCC, ISA:</b> supports 2 <sup>nd</sup> circular proposal	notes from CCFA51

Justification of the use of sweeteners or flavour enhancers in FCs 07.1, 12.2.2 and 12.3

List U of CX/FA 15/47/13 identified food categories where information had been provided that products within the food category where sweeteners were used consisted of ERONAS. For the food categories in List U, CCFA51 agreed to replace Note 161 with the adopted alternative notes. However, CCFA51 requested that the EWG on the GSFA further discuss the use of sweeteners in food categories 07.1 “Bread and ordinary bakery ware and mixes”, 12.2.2 “Seasonings and condiments”, and 12.3 “Vinegars”.

In the first circular for the EWG on Note 161 to CCFA52, EWG members were requested to discuss whether sweeteners or flavour enhancers are justified in FCs 07.1, 12.2.2, and 12.3. EWG members were asked to indicate whether they agreed or disagreed with several options (discontinue/revoke, Adopted Alternative Note, or provide recommendations for an alternative replacement note for Note 161) as replacements for Note 161, and to provide information on the use of sweeteners and flavour enhancers for each food category.

Based upon the discussion by the EWG members on the first circular, including information on use in these food categories, the second circular requested comment on proposed approaches or further information for the use of sweeteners in food categories 07.1, 12.2.2, and 12.3.

**Table 6: Final EWG proposals for FCs 07.1, 12.2.2 and 12.3.**

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
07.1	Bread and ordinary bakery ware and mixes	<u>2<sup>nd</sup> Circular Proposal:</u> Significant use in this food category indicated in Annex B List 4B of CX/FA 15/47/13. Comments also provided by current EWG members on use. However, other EWG members express concern for exposure if sweeteners are used in such “staple” foods.  Request information on the specific products in this food category that utilize sweeteners. Also request, any available information on exposure for such products in this food category.  <u>EWG Comments on 2<sup>nd</sup> circular proposal:</u> <b>Brazil:</b> Brazil only permits the use of flavor enhancers that do not have sweetener function for this FC. However, we may support the second alternative note in flavour enhancer sweeteners, such as acesulfame potassium, aspartame, neotame and sucralose, if clarification on technological justification (which food flavour notes need to be enhanced) is provided and examples of products available in the market.	Discuss further

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		<p>Moreover, we support chair's proposal.</p> <p><b>Chile:</b> suggests that work be carried out in specific subcategories according to the food category that applies</p> <p><b>Colombia:</b> considers that the approval of the new alternative note to note 161 is feasible, since the sweeteners in this food category are justified as a means both for sugar substitution and for mixtures that have a reduced calorie product. Currently, bread and ordinary bakery ware and mixes with sweeteners are allowed in the country.</p> <p><b>EU:</b> supports collecting more information from those EWG members that advocate the use of sweeteners in these products. The EU is of the view that sweeteners are not technologically justified in bread and ordinary bakery ware and mixes as in those product (in contrast to fine bakery wares) only limited amount of sugar(s) is added. In addition, sugars have specific role which cannot be replaced by sweeteners, such as being a substrate for yeasts and contributing (reducing sugars) to the darkened crust and specific flavour of baked goods due to Maillard reactions.</p> <p>As sweeteners are not permitted in the EU in this food category, the EU does not have refined exposure estimates. However, the contribution from the use of sweeteners to the total exposure may be significant as bread and ordinary bakery ware are staple foods. Based on the adopted provisions relatively small amounts of consumption would reach the ADI for 20 kg child (200g of bread for aspartame and 300g for acesulfame-K) and the use levels do not seem to be in line with Annex A of the GSFA (Guidelines for the development of ML). Thus the EU wonders whether the use in FC 07.1 was covered by the JECFA exposure assessment.</p> <p><b>Japan:</b> sucralose (INS 955) is used in mixes for ordinary bakery ware at 300 mg/kg on the flour basis. It is 180 mg/kg in the final product (served to the consumer basis). If a child consumes 12 g/kg bw of bread containing 180 mg/kg of sucralose every day, exposure from bread is 14 % of the upper bound of the ADI (15 mg/kg bw).</p> <p><b>USA:</b> supports the use of sweeteners in this food category and with the application of the alternative notes. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 700 products across 28 countries that use non-nutritive sweeteners. See the <a href="#">attachment</a> to USA's comment that includes a list of select product examples from various countries.</p> <p><b>CCC:</b> Supports comments submitted by Japan</p>	
12.2.2	Seasonings and condiments	<p><u>2<sup>nd</sup> Circular Proposal:</u> Annex B List 4B of CX/FA 15/47/13 notes that sweeteners are used in sweet seasoning powders in place of</p>	Discuss further

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		<p>sugar due to the high moisture absorbency of sugar in comparison to sweeteners. Comments also provided by current EWG members on use.</p> <p>Request information on the types of products within this food category where sweeteners are used.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u>  <b>Brazil:</b> Supports proposal</p> <p><b>Colombia:</b> considers that the approval of the new alternative note to note 161 is feasible, since the sweeteners in this food category are justified as a means both for sugar substitution and for mixtures that have a reduced calorie product. Currently, Seasonings and condiments with sweeteners are allowed in the country.</p> <p><b>EU:</b> supports requesting further information which should be, inter alia, compared and contrasted with the descriptor for FC 12.2.2 as the EU questions the technological need for this category.</p> <p><b>Japan:</b> supports Alternative Note. In addition to the previous comment, neotame (INS 961) is used in seasonings for instant noodles, and acesulfame potassium (INS 950) and sucralose (INS 955) are used in topping to sprinkle on rice (<i>furikake</i>). They are used as both sweeteners and flavor enhancers.</p> <p><b>USA:</b> The US supports the use of sweeteners in this food category and with the application of the alternative notes. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 250 products across 27 countries that use non-nutritive sweeteners. See the <a href="#">attachment</a> USA's comment that includes a list of select product examples from various countries.</p> <p><b>CCC:</b> This food category includes seasonings such as meat tenderizers, onion salt, garlic salt, Oriental seasoning mix (dashi), topping to sprinkle on rice (furikake, containing, e.g. dried seaweed flakes, sesame seeds and seasoning), and seasoning for noodles. The term "condiments" as used in the FCS does not include condiment sauces (e.g. ketchup, mayonnaise, mustard) or relishes. CCC supports the adopted alternative note to permit the use of sweeteners in this category. There are many types of products where sweeteners may be used, especially sweet tasting seasonings. These can include cinnamon sugar seasoning, barbeque seasonings, sweet chili seasonings, vanilla seasonings, etc.</p> <p><b>FoodDrinkEurope:</b> Sweeteners can be added to seasonings in powder with a sweet taste profile, such as Satay</p>	
12.3	Vinegars	<p><u>2<sup>nd</sup> Circular Proposal:</u>  Annex B List 3 of CX/FA 15/47/13 notes that sugars are used in certain vinegars and sweeteners are to replace sugar in those products, as well as in flavored vinegar products.</p>	Discuss further to find an appropriate

Food Category No.	Title	2 <sup>nd</sup> Circular proposal and EWG comment	Final EWG Proposal
		<p>Request information on the types of products within this food category where sweeteners are used.</p> <p><u>EWG Comments on 2<sup>nd</sup> circular proposal:</u></p> <p><b>Colombia:</b> considers that the approval of the new alternative note to note 161 is feasible, since the sweeteners in this food category are justified as a means both for sugar substitution and for mixtures that have a reduced calorie product. Currently, vinegars with sweeteners are allowed in the country.</p> <p><b>EU:</b> supports requesting further information as the EU questions the technological need for this category and has concerns as regards misleading of the consumer.</p> <p><b>Saudi Arabia:</b> Saudi Arabia could support a note similar to “excluding use in vinegars without additional ingredients”</p> <p><b>USA:</b> The US supports the use of sweeteners in this food category and with the application of the alternative notes. As a compromise the USA could support a note similar to “excluding use in vinegars without additional ingredients”. A market survey review (Mintel's Global New Products Database (GNPD)) indicates over 60 products across 10 countries that use non-nutritive sweeteners. See the <a href="#">attachment</a> to USA's comment that includes a list of select product examples from various countries.</p> <p><b>CCC:</b> It is noted that some flavored products in this food category utilize spices and herbs.</p>	replacement note