

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: [codex@fao.org](mailto:codex@fao.org) - [www.codexalimentarius.org](http://www.codexalimentarius.org)

Agenda Item 5

NFSDU/39 CRD/08

Original language only

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Thirty-ninth Session

Berlin, Germany  
4 - 8 December 2017

### PROPOSED DRAFT DEFINITION FOR BIOFORTIFICATION

*Comments of the European Union, Nicaragua, Nigeria and African Union*

#### EUROPEAN UNION

##### *Mixed competence*

##### *European Union vote*

The European Union and its Member States (EUMS) would like to thank the Republic of Zimbabwe and the Republic of South Africa for their work as Chairs of the electronic working group

The EUMS would like to reiterate some general comments on this agenda item and on the recommendations proposed by the co-Chairs.

As already previously expressed, the EUMS remain unclear on the objective of drafting a definition for the term 'biofortification' and the possible next steps.

The EUMS would like in particular to recall that this work has been approved by the Commission in association with the recommendation of the Executive Committee to request CCNFSDU to clarify how the definition would be used and where it would be best placed. The EUMS are of the view that, as illustrated by the current difficulties in the discussions on this topic, answers to these two questions are a pre-requisite to enable substantial progress on the definition as such.

The EUMS would thus kindly ask clarification from the Chair on the steps that should be taken to address these two questions.

With respect to the possible use of the definition, the EUMS have the following comments.

One possible use of the definition could be to set up general principles only applicable to food fortified by other methods than the conventional addition of vitamins and minerals. The EUMS would like to note that this is a complex issue that will be captured with great difficulties in the context of a definition and questions such need for general principles on biofortification.

Another possible use of the definition could be to use the term 'biofortified' as a claim for the purpose of food labelling. The EUMS would first like to note that it was never deemed necessary to define the term "fortification" as such and therefore question the need to define the term "biofortification", i.e. fortification with the qualifier "bio".

Furthermore, the EUMS consider that this possible use would not be in agreement with the objectives of the work as approved by the Codex Commission as the labelling provisions were not identified in the project document (REP15/NFSDU Appendix VII). The EUMS consider that in any case the different existing Codex standards already provide the necessary tools to label and advertise foods obtained through techniques of fortification other than the addition of vitamins and minerals and have not identified acceptable reasons justifying different labelling or claims regimes for these foods compared to those being traditionally fortified:

- The General principles on the addition of essential elements to food are fully applicable/transferable to foods fortified through techniques of fortification other than the addition of vitamins and minerals;
- The General Guidelines on claims and the Guidelines for use of nutrition and health claims are also fully applicable to foods fortified through techniques of fortification other than the addition of vitamins and minerals which might make use of comparative nutrition claims under the specified conditions;

- The General Standard for the labelling of prepackaged foods and the Guidelines on nutrition labelling are also fully applicable to foods fortified through techniques of fortification other than the addition of vitamins and minerals.

Furthermore, the EUMS would not be in a position to support the use of the claim 'biofortified' on the label of any foods which would not have been produced through organic farming. Indeed the term 'bio' is strictly defined in the EU and may only be used on the label of foods when produced through organic farming. Should the intended use of the definition be a claim, a different term would need to be considered in order to use it legally throughout the EU and to avoid misleading the consumer.

The EUMS note that in the project document to establish the definition on 'biofortification', it is indicated that the definition could be placed in the *General Principles for the Addition of Essential Nutrients to Foods*, still this would need to be assessed by this Committee.

## NICARAGUA

### a. Comentarios generales

CODEX Nicaragua agradece a Zimbabue, Sudáfrica y a todos los participantes del grupo de trabajo electrónico por la elaboración del documento de trabajo y por brindarnos la oportunidad de trabajar en el proceso de elaboración de observaciones.

### b. Comentarios específicos

El bioenriquecimiento es el proceso por el que se aumentan en un nivel medible la cantidad o la biodisponibilidad<sup>1</sup> de cualquier nutriente<sup>2</sup> o sustancia afin<sup>3</sup> ~~de cualquiera~~ de los posibles organismos de procedencia (p. ej., *animales, vegetales, hongos, levaduras y bacterias*) ~~de~~ de alimentos para los fines previstos<sup>4</sup>. El proceso abarca cualquier método de producción<sup>5</sup> ~~ly excluye~~ excluyendo el enriquecimiento convencional<sup>6</sup>.

#### Justificaciones:

- Nicaragua está de acuerdo con la inclusión del término "biodisponibilidad", propuesto en la reunión 38ª del CCFNSDU, siempre y cuando se utilice la conjunción "o".
- Para efectos de comprensión y de evitar redundancias, en la versión en español del texto, se recomienda que se suprima el término "de cualquiera".
- Nicaragua apoya que se incluya el pie de página número 5, se considera pertinente que cada Autoridad Nacional defina el método de producción, y la adición de nutrientes, de acuerdo a las necesidades de salud de la población y la legislación nacional.
- Nicaragua está de acuerdo con que la definición indique la exclusión del método "enriquecimiento convencional" con su respectivo nota al pie, sin embargo propone que se realice un ajuste a la redacción para efecto de comprensión.

## NIGERIA

### Recommendation 4:

Nigeria supports the inclusion of the proposed text

**Rationale:** The recommendation assures consumer of the intended use which is to increase the nutritional value of the product.

### Recommendation 5:

Nigeria supports the inclusion of the proposed text.

**Rationale:** This criterion allows countries to determine the methods of production based on their policies and legislations.

### Recommendation 6:

Nigeria supports the proposed text including the deletion of the square bracket

*"Biofortification is the process whereby any nutrients<sup>1</sup> or related substances<sup>2</sup> of all potential source organisms (e.g. animal, plant, fungi, yeasts, bacteria) [or/[and] foods are increased by a measurable level [and/or] become more bioavailable<sup>3</sup> for the intended purposes<sup>4</sup>. The process applies to any method of production<sup>5</sup> [and excludes conventional fortification<sup>6</sup>]"*

**Rationale:** The current definition together with the footnotes has taken care of critical components related to the nutrient content, its bioavailability of resultant products as well as recognizing different countries

regulation/legislations and policies. This will allow countries to make decisive decision on any method of production that they prefer.

## AFRICAN UNION

**Issue - Recommendation 1:** That CCNFSDU agree with the proposed text for Criterion 1.

### **Criterion 1: Source Organism**

All potential source organisms ((e.g. animal, plant, fungi, yeasts, bacteria) [and/or] food may be Biofortified\*

*\*Biofortification does not include conventional fortification covered by CAC/GL 9/1987.*

**Comment:** African Union supports the proposed text as it adequately defines the meaning of the term 'source organism'.

**Issue - Recommendation 2:** That CCNFSDU agree with the proposed text for

Criterion 2: Nutrient and Related Substance to allow for all nutrients and related substances.

**Comment:** African Union supports the proposed text as it accommodates all possible inclusion in biofortification.

**Issue - Recommendation 3:** That CCNFSDU agree with the proposed text for

**Criterion 3: Outcome** Measurable increased nutrient and related substance content [and/or] bioavailability

**Comment and Rationale:** African Union supports the proposed text as it gives due consideration to both the nutrient content and their bioavailability which is key in ensuring the food or products achieve the intended benefits to the consumers.

**Issue - Recommendation 4:** That CCNFSDU agree with the proposed text and the associated footnote for Criterion 4.

### **Intended Purpose**

The nutrient or related substance is added in an amount sufficient for the intended purpose\*

*\*Paragraph 3.1.1. of the Principles for the Addition of Essential Nutrients to Foods (CAC/GL 9-1987).*

**Comment:** African Union supports the proposed recommendation.

**Rationale:** The recommendation assures consumer of the intended use which is to increase the nutritional value of the product

**Issue - Recommendation 5:** That the Committee consider whether the text which reference the footnote should be included as part of the proposed definition for Biofortification. **[Criterion 5: Methods**

Methods\* of Production

*\* To be determined by the competent National/Regional authority]*

**Comment:** African Union supports the proposed text

**Rationale:** This criterion allows countries to determine the methods of production based on national policies and legislations.

**Issue - Recommendation 6:** That CCNFSDU consider the proposed draft definition for Biofortification and associated footnotes for discussion.

*"Biofortification is the process whereby any nutrients<sup>1</sup> or related substances<sup>2</sup> of all potential source organisms (e.g. animal, plant, fungi, yeasts, bacteria) of/[and] foods are increased by a measurable level [and/or] become more bioavailable<sup>3</sup> for the intended purposes<sup>4</sup>. The process applies to any method of production<sup>5</sup> [and excludes conventional fortification<sup>6</sup>]"*

**Comment:** African Union supports the proposed draft definition and associated footnotes and hence we recommend that square bracket should be opened.

**Rationale:** The current definition and associated footnotes makes provisions for the core issues of nutrient content, bioavailability of resultant products as well as recognizing different countries regulation/legislations and policies. This will allow countries to make decision on nationally preferred method of production.