

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Items 5 and 11

CRD05

ORIGINAL LANGUAGE

JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON CONTAMINANTS IN FOODS

14th Session

(virtual)

3-7 and 13 May 2021

Comments of the International Confectionery Association

AGENDA ITEM 5. MAXIMUM LEVEL FOR CADMIUM IN CHOCOLATES CONTAINING OR DECLARING <30% TOTAL COCOA SOLIDS ON A DRY MATTER BASIS

The International Confectionery Association appreciates the opportunity to comment on this important item and supports adoption at the Codex Committee on Contaminants in Food (CCCF) 14th session, May 3-7, and 13, 2021.

For the category < 30% dry cocoa solids, we wish to confirm that based on data and achievability we continue to support the proposed Maximum Level (ML) of 0.3 mg/kg, as proposed by CCCF13 to CAC in 2019. Political positioning at CAC in 2019 resulted in a delay on this item, but data has not demonstrated this ML should change, also supported by the new JECFA 91 risk assessment summary, further concluding on low risk from cadmium levels in cocoa and chocolate products.

In addition, we reiterate our comments, already submitted for CCCF 14 in 2020.

AGENDA ITEM 5. Category <30% cocoa solids on a dry matter basis

An outcome from the Codex Committee on Contaminants in Food (CCCF13), April 29 – May 3, 2019, was a proposal put forward for adoption by the Codex Alimentarius Commission (CAC), a global ALARA-based maximum level (ML) of 0.3 mg/kg for cadmium in products with < 30% dried cocoa solids. This ML was proposed by the EWG, chaired by Ecuador and co-chaired by Ghana, and gained support at CCCF13 to go forward for adoption by CAC. The proposed ML is in line with the low health risk concluded in the JECFA risk assessment, the scientific risk basis that informs Codex risk management on contaminants. The proposed ML allows necessary flexibility for cocoa supply, particularly in geographical regions with volcanic soils that can lead to greater uptake of naturally-occurring cadmium, such as in Latin America. Even at the proposed level of 0.3 mg/kg, the EWG data indicated as much as 12% of cocoa would exceed the level. With 12% rejection rate we could also support levels greater than 0.3 mg/kg for this category.

While it is understandable that regions with less volcanic soils may achieve lower levels of cadmium in cocoa, it is important to maintain a consistent global approach to standards based on scientific risk and achievability in all regions. Codex standards on contaminants should not be a basis for competitive advantage on any given issue, otherwise all countries would likely routinely adopt competitive stances, compromising the collaborative approach for fairness.

At CAC, we were concerned about the extended non-science-based discussions, with some delegations proposing to push the level even lower for this category, to create even higher rejections, despite the 0.3 mg/kg level being supported by the EWG data for achievability, the CCCF recommendation, the JECFA scientific risk assessment, the principles of global Codex standards based on science and global achievability. In view of information shared over the past year, we could support higher levels for this category to reduce unnecessary rejections, although we can also maintain support for the minimum acceptable, science-based level of 0.3mg/kg for this category, based on the intention of the consensus at CCCF13. Further data on the global achievability of the proposed ML of 0.3 mg/kg for products with < 30% dried cocoa solids confirm the challenge in achieving even 0.3 mg/kg. This level cannot be reduced further based on achievability, without scientific merit, and would create high rejections in some regions.

Importantly, our concern is not to compromise global cocoa supply with unduly strict standards, in line with UN Sustainable Development Goals to reduce unnecessary food waste. Currently, the CCCF is developing a Code of Practice on cadmium in cocoa to determine longer-term opportunities for practices and scope to further lower uptake. In the meantime, the original proposed ML or slightly higher would meet the Codex principles.

We look forward to conclusion on this item at the CCCF14 session.

AGENDA ITEM 11. MAXIMUM LEVELS FOR Total aflatoxins in ready to eat (RTE) peanuts

The International Confectionery Association appreciates the opportunity to comment on this important item of Maximum Levels for total aflatoxins in RTE peanuts, held at Step 4. We support making quicker progress on this item, to facilitate international trade and to provide a single harmonized standard to simplify the complicated compliance challenges. We look forward to further discussion at the Codex Committee on Contaminants in Food (CCCF) 14th session, May 3-7, and 13, 2021.

CCCF has delayed finalizing the proposed ML of 10 ppb total aflatoxins in RTE peanuts, pending further uptake on the Code of Practice and further Electronic Working Group work on data gathering. However, the delay appears unnecessary and we believe CCCF has the information available to make quicker progress. Product manufacturers support a common ML, and the realistic single figure appears to be 10 ppb, to enable international trade without problematic sourcing to meet the overly-strict, historical 4 ppb precedent set in some regions. Additionally, we appreciate that peanut producers might support maintaining the 15 ppb flexibility that is already set for peanuts for further processing, to apply also for RTE peanuts. However, reductions and a lower ML would be expected following further processing. In view of this, we have a possible solution - for CCCF to consider adopting a range of 10-15 ppb total aflatoxins for RTE peanuts, thereby demonstrating some benefits below the 15 ppb ML but allowing flexibility up to 15 ppb when achievability is a challenge, such as due to seasonal climatic factors. This is a working suggestion, and we welcome further discussion to get wider views on this possible solution during the CCCF14 session.