

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
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Agenda Item 5d

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD ADDITIVES

#### Fiftieth Session

#### DISCUSSION PAPER ON THE USE OF THE TERMS “UNPROCESSED” AND “PLAIN” IN THE GSFA

#### Comments of European Union, Morocco, FoodDrinkEurope and IDF

#### European Union

The European Union (EU) would like to thank the Russian Federation for developing the discussion paper.

#### General comments

The EU welcomes the discussion paper. The EU shares many of the concerns raised especially as regards a trend to expand the use of food additives in foods that do not undergo a technological treatment or processing or are processed only to a limited extent. It is the EU's view that food additives shall not be used in unprocessed/ minimally processed foods (e.g. in fresh fruits and vegetables, milk, fresh meat and fish and fishery products etc.) apart from well-defined and justified exceptions.

To the EU's understanding this is the reason why certain food categories are included in Annex to Table 3. Generally, for those food categories the EU does not support any horizontal justification for food additives. For many foodstuffs falling under Annex to Table 3 no additives are needed and technologically justified for others the use of food additives needs to be considered on a case-by-case basis.

The EU acknowledges the importance of protecting the interests of consumers as regards misleading as well. The EU agrees that misleading might be an issue in particular for unprocessed or minimally processed foods since it often relates (although it is not limited) to the nature, freshness, quality of ingredients used, the naturalness of a product or of the production process, or the nutritional quality of the product, including its fruit and vegetable content. Therefore, in general the EU does not support any food additive uses which might affect natural and typical characteristics of foods (colour, texture etc.), or facilitates intentional adulteration of foods or damage consumer confidence related to the true nature of the food and the condition or type of treatment it has undergone.

Section 3.2 of the GSFA Preamble lays down the criteria for the use of additives. Even if it does not directly address the issue under consideration the adherence to those criteria could mitigate, to a certain extent, some of the concerns raised (note: misleading, preservation of the nutritional quality, consideration of other economically and technologically practicable means are listed in section 3.2). Indeed, as outlined in CX/FA 18/50/13 some terms are not defined, e.g. misleading, and therefore their understanding and risk management approaches could differ.

In addition, as indicated in the EU's comments on CX/FA 18/50/13 the EU believes that a further guidance on the information required in reply to the CLs for the submission of proposals for new provisions would be beneficial that all the criteria of Section 3.2 are appropriately scrutinised. This will allow the Committee to check not only the completeness but also the adequacy of the information provided and save the resources by not discussing the provisions for which no adequate information was provided.

#### Specific comments

#### Recommendations 1, 2 and 3

In the EU's view firstly more general discussion on the topic is needed before considering any further specific steps to be taken.

#### Morocco

- le Maroc **soutient les définitions proposées** pour les aliments non transformés et minimalement transformés (nature) à savoir :

- **Les aliments non transformés** (*matières premières alimentaires et aliments frais*) sont des produits non transformés (*non traités*) d'origine animale, végétale, microbiologique, minérale, artificielle ou biotechnologique et l'eau de boisson utilisée dans la production (fabrication) des produits alimentaires et/ou la consommation directe dans l'alimentation.
  - **Les aliments minimalement transformés (nature)** sont des aliments qui n'ont subi aucun traitement entraînant une modification sensible de l'état initial de l'aliment; à cet égard, les opérations suivantes ne sont pas considérées comme entraînant une modification sensible: division, séparation, tranchage, désossement, hachage, écorchement, épluchage, pelage, mouture, découpage, lavage, parage, surgélation, congélation, réfrigération, broyage, décorticage, conditionnement ou déconditionnement. Cette catégorie d'aliments n'autorise que l'emploi limité et fortement justifié technologiquement des additifs alimentaires.
- le Maroc **soutient la recommandation 3** qui consiste à examiner les 3 options relatives à la justification technologique de l'emploi d'un additif alimentaire dans les aliments minimalement transformés (nature) ;

**Dans le cadre de la recommandation 3 le Maroc soutient l'option 2 à savoir** « la décision doit être prise en tenant compte de : (1) la nécessité technologique, (2) le risque de tromper les consommateurs sur les propriétés organoleptiques et physico-chimiques des aliments minimalement transformés (nature) ».

## FoodDrinkEurope

### General Comments

The work of the Russian Federation that aims to clarify the terms “unprocessed” and “plain” in the GSFA is gratefully acknowledged. We are concerned that the aim of this work is out of the scope of this Codex Committee on Food Additives, as it aims to classify the world of finished products according to the different degree of processing. In our view this work is not to be included in GSFA.

The term “Plain” is used in GSFA only for food category 01.0 Dairy products and analogues, excluding products of food category 02.0 and is not in other food category. ‘Plain’ could not be considered a synonym of ‘minimally processed food’.

In addition section 3.2 of the GSFA gives complete and adequate criteria for allowing the use of additives in certain food categories. The justification for use of additives states that the use of food additives is justified only when such use has an advantage, does not present an appreciable health risk to consumers, does not mislead the consumer, and serves one or more of the technological functions set out by Codex.

Therefore, in our view the risks highlighted in the document in paragraphs 4 to 7 will not be addressed by the development of definitions of unprocessed and plain foods in GSFA food category system, as the document proposes.

The current Preamble of GSFA (as mentioned above) already sufficiently addresses the need for both food safety and technological justification, prior to approval in any food category and states that – “The use of food additives in conformance with this Standard requires adherence to all the principles set forth in Sections 3.1 – 3.4” .

Further to this, in this discussion paper, there is a proposal to include a decision tree. This is not clear as what is the need and its advantages over and above the current text of GSFA is unclear. Furthermore, that decision tree is proposing not to use any additives in unprocessed food, without even understanding technological rationale, which could translate in an increase on food waste and also this is not science based decision making.

### Comments on the Recommendations

#### Recommendation 1:

Consider the definitions of unprocessed (food raw materials or fresh food) and minimally processed (plain) foods for inclusion in the General Standard for Food Additives (CXS 192-1995)

#### **FoodDrinkEurope: We do not support this recommendation.**

This is not required as the current GSFA, which should be the single authoritative reference point for food additives, has already laid down clear provisions regarding Foods in Which Additives May Be Used (section 1.2) or Foods in Which Additives May Not Be Used (Section 1.3) and also general principles for use of food additives (Section 3)

Moreover, at Codex level, the term “processed food” is defined and means the product, resulting from the application of physical, chemical or biological processes or combinations of these to a “primary food

commodity”, intended for direct sale to the consumer, for direct use as an ingredient in the manufacture of food or for further processing (Codex Classification of Foods and Animals Feeds, CAC/MISC 4). ‘Unprocessed’ foods is then defined by opposition, and no additional and non-aligned definition should be added.

The detailed descriptions of the food categories is not equivalent to the processing stage of the food:

- 'Fresh' is used basically for food directly after 'harvest' (which includes cooling, cutting, skinning, peeling in cases of vegetables and meat), but also allows for coating with additives in the case of fruit.
- 'Plain' is used mainly for dairy products to distinguish from products with added fruits, herbs or other food for flavouring, and is not linked at all to any processing stage.

#### Recommendation 2:

Consider the provision not to use food additives in unprocessed (food raw materials or fresh food) and to restrict the use of food additives in minimally processed (plain) foods.

#### **FoodDrinkEurope: We do not support this recommendation.**

This recommendation is not scientifically justifiable. Preamble of GSFA, as mentioned, clearly lays down the principles regarding the use of Food Additives. This recommendation is not science based approach and is not based on the technological need of additives.

The use of additives should be based on the technical use justification. Adding additives should not automatically categorise a food as “processed”, considering that in some functional applications additives are meant to preserve the “fresh”/“untreated” quality of a food whilst providing stability and safety (i.e. preservatives used for fresh-cut fruits).

Observance of sanitary and hygienic requirements is an important aspect in the preservation of food quality. However, fresh raw materials such as fruits, vegetables and meats are not sterile and inherently present microbes need to be controlled to avoid spoilage or unsafety of these products even when they are unprocessed (e.g. including cutting, freezing, chilling) or minimally processed (e.g. including mincing, skinning, cleaning), but require a certain shelf-life instead of being consumed immediately.

Therefore the use of additives should be based on the technical justification and not on a categorisation on the basis of a definition or categorisation of processing.

On that bases, functional use of additives should also be possible for the unprocessed and minimally processed foods described in section 12 that require a stable and safe shelflife.

Furthermore, the GSLPF requires that any use of additives must be properly labelled to inform the consumer about their use.

#### Recommendation 3:

To consider the following options to technological justification for the use of a food additive in minimally processed (plain) foods:

Option 1 - the decision should be made taking into consideration: (1) the technological necessity, (2) a possible change in the nutritional value of food, (3) the risk of misleading consumers about the organoleptic and physico-chemical properties the minimally processed (plain) food;

Option 2 - the decision should be made taking into consideration: (1) the technological necessity, (2) the risk of misleading consumers about the organoleptic and physico-chemical properties the minimally processed (plain) food;

Option 3 - the decision should be made taking into consideration: (1) the technological necessity.

#### **FoodDrinkEurope: We do not support this recommendation.**

As explained above, the scope and need of these definitions is not clear and not required. The current Preamble of GSFA (as mentioned above) already sufficiently addresses the need for both food safety and technological justification, prior to approval in any food category and states that – “The use of food additives in conformance with this Standard requires adherence to all the principles set forth in Sections 3.1 – 3.4”. Therefore we are of the opinion that this proposed discussion paper is not clear in terms of expectations and is also out of the scope of CCFA.

### **International Dairy Federation (IDF)**

IDF wishes to acknowledge the opportunity to express comments on this discussion paper.

#### **General comments**

IDF does not see the need to clarify the use of the terms plain/ unprocessed/ minimally processed etc. The descriptors of the GSFA for the dairy categories are very clear and unambiguous.

While we agree to provide as much clarity as possible to the terms used in GSFA, we are concerned that the aim of this work is out of the scope of this Codex Committee on Food Additives, as it aims to classify the world of finished products according to the different degree of processing. In our view this work is not to be included in GSFA.

The term “Plain” is used in GSFA only for food category 01.0 Dairy products and analogues, excluding products of food category 02.0 and is not in other food category. ‘Plain’ could not be considered a synonym of ‘minimally processed food’.

Also section 3 of Codex General Standard for Food Additives mentions clearly regarding the General Principles for use of Food Additives and section 3.2 specifically mentioned – “Justification for the Use of Additives” and states that the use of food additives is justified only when such use has an advantage, does not present an appreciable health risk to consumers, does not mislead the consumer, and serves one or more of the technological functions set out by Codex.

Therefore, in our view the risks highlighted in the document in paragraphs 4 to 7 will not be addressed by the development of definitions of unprocessed and plain foods in GSFA food category system, as the document proposes.

The current Preamble of GSFA (as mentioned above) already sufficiently addresses the need for both food safety and technological justification, prior to approval in any food category and states that – “The use of food additives in conformance with this Standard requires adherence to all the principles set forth in Sections 3.1 – 3.4”.

There is no tangible precedent that the terms ‘unprocessed’ and/or ‘plain’ have misled discussion of the CCFA in the past.

Further to this, in this discussion paper, there is a proposal to include a decision tree. This is not clear as what is the need and its advantages over and above the current text of GSFA is unclear. Furthermore, that decision tree is proposing not to use any additives in unprocessed food, without even understanding technological rationale, which could translate in an increase on food waste and also this is not science-based decision making.

### **Specific Comments:**

#### **Recommendation 1:**

*Consider the definitions of unprocessed (food raw materials or fresh food) and minimally processed (plain) foods for inclusion in the General Standard for Food Additives (CXS 192-1995)*

This is not required as per the current GSFA as the current GSFA, which should be the single authoritative reference point for food additives has already laid down clear provisions regarding Foods in Which Additives May Be Used (section 1.2) or Foods in Which Additives May Not Be Used (Section 1.3) and also general principles for use of food additives (Section 3)

Moreover, at Codex level, the term “processed food” is defined and means the product, resulting from the application of physical, chemical or biological processes or combinations of these to a “primary food commodity”, intended for direct sale to the consumer, for direct use as an ingredient in the manufacture of food or for further processing. (Codex Classification of Foods and Animals Feeds, CAC/MISC 4). ‘Unprocessed’ foods is then defined by opposition, and no additional and non-aligned definition should be added.

It is unclear what the purpose of the paper is. It seeks to define “unprocessed”, and to redefine “plain” on the basis that they are widely used yet ambiguous. However, the terms “plain” and “unprocessed” are not widely used in the GSFA as the paper asserts. The term “plain” only appears in the GSFA in relation to FC 01.0 and already has a defined meaning within the GSFA in relation to FC 01.0. Redefining it would cause confusion.

The term “unprocessed” appears 3 times in the GSFA – would a standardised definition of “unprocessed” be significantly helpful?

Specifically for dairy – we disagree that UHT and powdered milk would be considered unprocessed or minimally processed. These products are listed in the examples of unprocessed or minimally processed foods (paragraph 9) but the heating and drying involved in UHT and drying would arguably be more than “minimal” processing. Heating is also not included in the proposed definition in paragraph 12 so there is internal inconsistency between the definitions and the examples.

**Recommendation 2:** *Consider the provision not to use food additives in unprocessed (food raw materials or fresh food) and to restrict the use of food additives in minimally processed (plain) foods.*

This recommendation is not scientifically justifiable. Preamble of GSFA as mentioned clearly lays down the principles regarding the use of Food Additives.

It is redundant to include an additional criteria around restricting food additive use in unprocessed or minimally processed foods. Section 3.2 of the GSFA addresses the concerns around whether there is a technological justification for the additive and whether the use would be misleading. The use of food additives for adulteration would already be captured and prevented under the existing provisions. So this recommendation is not science based approach as it is proposing something without even understanding the technological need for the same.

We question whether this recommendation is within the scope of what CCFA49 supported in terms of the preparation of a discussion paper on the terms “unprocessed” and “plain”. It is unclear if proposals to amend section 3.2 of the GSFA are within the scope of what was asked by CCFA.

**Recommendation 3:**

*To consider the following options to technological justification for the use of a food additive in minimally processed (plain) foods:*

*Option 1 - the decision should be made taking into consideration:(1) the technological necessity, (2) a possible change in the nutritional value of food, (3) the risk of misleading consumers about the organoleptic and physico-chemical properties the minimally processed (plain) food;*

*Option 2 - the decision should be made taking into consideration:(1) the technological necessity, (2) the risk of misleading consumers about the organoleptic and physico-chemical properties the minimally processed (plain) food;*

*Option 3 - the decision should be made taking into consideration:(1) the technological necessity.*

*Comment: This recommendation is not required.*

**Rationale: First, as explained above the scope and need of these definitions is not clear and also not required. Also the current Preamble of GSFA (as mentioned above) already sufficiently addresses the need for both food safety and technological justification, prior to approval in any food category and states that – “The use of food additives in conformance with this Standard requires adherence to all the principles set forth in Sections 3.1 – 3.4”.**

Therefore we are of the opinion that this proposed discussion paper is not clear in terms of expectations and is also out of the scope of CCFA.

**Additional Rationale**

- The majority of the terminologies referred and proposed as possible definitions to be included in GSFA were developed with the aim of categorize products for nutrient profiles definition
- Such categorization based on the degree of processing was based on a nutrition landscape and remain as a list of products rather than definitions based on scientific principles used in food science or food technology.
- Food processing refers to the whole food chain, from farm to fork, and there is neither scientific rational nor regulations to categorise foods and beverages based on their level of processing. Processing techniques ensure the safety of foods (i.e.by reducing harmful bacteria and enabling the increase of shelf life) and contribute to both food security (ensuring that sufficient food is available) and nutrition security (ensuring that food quality meets human nutrient needs). In addition, food processing also plays an important role in helping to reduce food losses and food waste, particularly in developing countries.