CODEX ALIMENTARIUS COMMISSION

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World Health Organization

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Agenda Item 6b **CX/NFSDU 19/41/7-Rev**

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

Forty-first Session

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DISCUSSION PAPER ON RISK MANAGEMENT POSSIBILITIES FOR THE REDUCTION OF TRANS FATTY ACIDS

Prepared by Canada

Introduction

At its 40th Session, the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) decided to suspend the discussion on conditions for a "free of" trans fatty acids (TFA) claim and asked Canada to prepare a discussion paper on different risk management possibilities for the reduction of TFA within the mandate of Codex. Accordingly, this paper presents potential risk management roles for Codex in the context of various options to reduce population-level intake of TFA. The paper also outlines advantages and drawbacks associated with each option.

Background

At the 41st Session of the Codex Committee on Food Labelling (CCFL), the Committee agreed that CCNFSDU would be asked to develop proposed conditions for a "free of" TFA claim. Subsequently, at CCNFSDU35, Canada was assigned responsibility to develop the proposal. A chronological summary of work on this matter to date is described below.

CCNFSDU36: Canada presented proposed conditions for a "free of" TFA claim (CX/NFSDU 14/36/10). The discussion on this agenda item concluded with a request that Canada seek and take into consideration advice from the Codex Committee on Methods of Analysis and Sampling (CCMAS). Specifically, CCMAS was to be asked for advice on the lowest level of TFA that current analytical methods can accurately detect and consistently reproduce. Further discussion was also deferred in order to await the outcomes of the WHO Nutrition Guidance Expert Advisory Group (NUGAG) evidence reviews on saturated fatty acids (SFA) and TFA.

CCNFSDU37: The Committee agreed to defer discussion on proposed conditions for a "free of" TFA claim until feedback from CCMAS was received and outcomes of the 6th meeting of the WHO NUGAG were available.

CCNFSDU38: The Delegation of Canada presented revised proposed conditions for a "free of" TFA claim (CX/NFSDU 16/38/10); the proposal took into consideration feedback from CCMAS and the outcome of the NUGAG systematic reviews. In recognition of the importance of analytical methods when establishing quantitative criteria for such a claim, the Committee agreed to defer further discussion so as to request that CCMAS verify whether the new proposed TFA levels would be measurable using the analytical methods identified in the proposal.

CCNFSDU39: The Committee considered an updated proposal from Canada (CX/NFSDU 17/39/9); the proposal took into consideration feedback stemming from a more detailed review of analytical methodology from CCMAS. It was agreed that the proposal would proceed to Step 3 for comments and would be considered at the CCNFSDU's next session.

CCNFSDU40: Based on comments received at previous sessions, Canada presented two options for consideration by the Committee: setting quantitative conditions for a "free of" TFA claim (as proposed in CX/NFSDU 17/39/9) or discontinuing these efforts and not setting conditions for such a claim. The latter option was put forward to acknowledge some Members' concerns regarding the use of available methods to accurately assess TFA content in foods at the proposed levels. An almost equal number of Members supported continuing the work on this new claim as did those in support of discontinuing the work. The Committee agreed to suspend further discussion on the development of proposed claims

conditions so as to request that Canada prepare a discussion paper on other risk management options with regard to reducing population-level intake of TFA.

Risk management options

As requested at CCNFSDU40, Canada has prepared a table of options (Annex A) for action to reduce TFA intake as well as advantages and drawbacks associated with each option. Potential roles for Codex are included for discussion purposes. Although the options are presented separately, Members could chose to combine two options or more so as to take a multi-pronged approach to reducing TFA intake.

Recommendation for Codex actions

When reflecting on Codex actions, Canada recommends that CCNFSDU considers the different risk management possibilities as presented in Annex A on a priority basis.

Rationale

When selecting Codex actions to undertake on a priority basis, Canada considered the following: the potential to support meaningful reductions in TFA intake and the complexity of the work required. For these reasons, Canada is proposing that the committee first considers the roles associated with options C (prohibiting partially hydrogenated oils (PHO)), E (mandatory declaration of TFA on food labels) and G (mandatory distinct declaration of PHO and fully hydrogenated oils in ingredient lists), as they involve minor amendments to existing standards, which could be completed in a timely fashion. In addition, the committee could seek advice from CCMAS on the use of appropriate TFA methods of analysis in various matrices, advice which would constitute a resource for monitoring and compliance activities.

Canada considers of lower priority the further examination of the roles associated with options A (voluntary limits for TFA levels), B (mandatory limits for TFA levels), D (reduction of processing-induced TFA) and F (claims about TFA on prepackaged food labels). The complexity of the work involved to support options A and B is a factor to consider when choosing which roles to undertake on a priority basis. Another consideration is the impact of the measure. For example, given that processing-induced TFA (the focus of option D) are not typically regarded as a significant source of TFA, developing resources to support a reduction in intake of this source of TFA is considered a lower priority. Furthermore, some CCNFSDU members have previously raised the fact that validation studies are lacking with respect to the detection of low levels of TFA in foods, namely at the levels that have been proposed in the context of a “free of” TFA claim (the focus of option F).

Conclusion

With reference to the different risk management options Annex A and the difficulties in establishing conditions for a “free of” TFA claim, actions that support more targeted options should be pursued. Canada recommends that CCNFSDU support pursuing these Codex actions to assist members in their efforts to decrease population-level TFA intake:

Request CCFL to consider:

E. amending the *Guidelines on Nutrition Labelling* (CXG 2-1985), Section 3.2.1 to require the declaration of the amount of TFA where nutrient declaration is required and amending the *Guidelines on Nutrition Labelling* (CXG 2-1985), Section 3.2.5 to require the declaration of the amount of TFA where a claim is made regarding the amount and/or type of fatty acids or the amount of cholesterol. Also, requesting that CCMAS provide advice on suitable reference methods of analysis and sampling regarding TFA in different matrices for monitoring and compliance purposes.

G. amending the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) to add a requirement that partially hydrogenated and fully hydrogenated oils be declared by their specific names (similar to Section 4.2.3.2 regarding pork fat, lard and beef fat) and to define these terms.

To request CCFO to consider:

C. how the Committee could contribute to the reduction or elimination of TFSs, e.g. amending the *Standard for Fat Spreads and Blended Spreads* (CXS 256-2007) to include a prohibition on PHO and the *Standard for Edible Fats and Oils Not Covered by Individual Standards* (CXS19-1981) to include a prohibition on PHO.

ANNEX A

Table 1. Risk management roles for Codex to reduce population-level intake of trans fatty acids[1]

National/Regional authorities			**Codex**
Risk management options	**Advantages**	**Drawbacks**	**Potential risk management roles**
A. Develop voluntary limits for TFA levels in processed foods[2]	• Does not require a regulatory framework • Is a less restrictive measure • Scope of industry response could help inform whether regulatory action should be taken, if the limits are combined with a structured monitoring and reporting program • No trade implications	• Limited incentive for industry participation, especially if TFA limits are not combined with a structured monitoring and reporting program • Could result in unintended increase in SFA content of processed foods, especially if no concurrent limits are set for SFA • Extent of public health benefit would be contingent on scope of industry participation • Requires communicating to consumers which processed foods are lower in TFA, for example using nutrition labelling • Consumers who are less knowledgeable about TFA and nutrition labelling may be disadvantaged with regard to identifying prepackaged processed foods that are lower in TFA	CCFO • Amend the *Standard for Fat Spreads and Blended Spreads* (CXS 256-2007) to include TFA levels that must not be exceeded • Amend the *Standard for Edible Fats and Oils Not Covered by Individual Standards* (CXS19-1981) to include TFA levels that must not be exceeded in trans-esterified or inter-esterified fats and oils CCMAS • Provide advice on suitable reference methods of analysis and sampling regarding TFA CCNFSDU • Coordinate request to CCFO

[1] The scope of the options presented herein is not intended to be comprehensive; for example, it does not include actions involving fiscal levers such as taxation or subsidies, investments in agricultural research and development, public awareness or education campaigns or menu labelling.

[2] Unless otherwise noted, in this document a reference to “processed foods” includes prepackaged processed foods (e.g. sold in grocery stores) and non-prepackaged processed foods (e.g. sold in foodservice establishments).

National/Regional authorities			**Codex**
Risk management options	**Advantages**	**Drawbacks**	**Potential risk management roles**
B. Adopt regulations that limit TFA levels in processed food	• Strong incentive for industry compliance • Would foster widespread reformulation to decrease TFA content in processed foods • Public health benefit would be applicable to a wide range of consumers, not only to those who are knowledgeable about TFA or nutrition labelling	• Requires capacity and resources for regulatory development and compliance and enforcement activities • Could have trade implications	Same as Option A.
C. Adopt regulations that prohibit the use of partially hydrogenated oil (PHO) in processed foods	• Strong incentive for industry compliance • Would foster widespread reformulation to decrease TFA content in processed foods • Public health benefit would be applicable to a wide range of consumers, not only to those who are knowledgeable about TFA or nutrition labelling	• Requires capacity and resources for regulatory development and compliance and enforcement activities • Could have trade implications • Lack of analytical methods to differentiate TFA contained in PHO from TFA contained in other sources	CCFO • Amend the *Standard for Fat Spreads and Blended Spreads* (CXS 256-2007) to include a prohibition on PHO • Amend the *Standard for Edible Fats and Oils Not Covered by Individual Standards* (CXS19-1981) to include a prohibition on PHO CCNFSDU • Coordinate request to CCFO
D. Develop resources to support the reduction of processing-induced TFA in processed foods	• Does not require a regulatory framework	• Limited incentive for industry participation, especially if resources are not combined with a structured monitoring and reporting program • Extent of public health benefit would be contingent on industry participation • Limited potential for impact as processing-induced TFA may not be major source of TFA in many jurisdictions	CCCF • Develop a code of practice to reduce the content of processing-induced TFA in foods

National/Regional authorities			Codex
Risk management options	**Advantages**	**Drawbacks**	**Potential risk management roles**
E. Adopt regulations related to the mandatory declaration of TFA on labels of prepackaged processed foods	• Strong incentive for industry compliance • Could foster reformulation to decrease TFA content in processed foods	• Requires capacity and resources for regulatory development and compliance and enforcement activities • Could have trade implications • Less relevant in jurisdictions where prepackaged processed foods are not the major sources of TFA • Consumers who are less knowledgeable about TFA and nutrition labelling may be disadvantaged with regard to identifying prepackaged processed foods that are lower in TFA	CCMAS • Provide advice on suitable reference methods of analysis and sampling regarding TFA CCFL/CCNFSDU • Amend the *Guidelines on Nutrition Labelling* (CXG 2-1985) to require the declaration of the amount of TFA where nutrient declaration is required • Amend the *Guidelines on Nutrition Labelling* (CXG 2-1985) to require the declaration of the amount of TFA where a claim is made regarding the amount and/or type of fatty acids or the amount of cholesterol
F. Adopt regulations that permit claims about TFA on the labels of prepackaged processed foods	• Could foster some reformulation to decrease TFA content in processed foods	• Requires capacity and resources for regulatory development and compliance and enforcement activities • Less relevant in jurisdictions where prepackaged processed foods are not the major sources of TFA • Consumers who are less knowledgeable about TFA and nutrition labelling may be disadvantaged with regard to identifying prepackaged processed foods that are lower in TFA • Laboratories in certain jurisdictions may not be able to detect low levels of TFA with any high degree of reproducibility	CCMAS • Provide advice on suitable reference methods of analysis and sampling regarding TFA CCNFSDU • Resume the work on developing conditions for a new “free of” TFA claim CCFL • Amend the *Guidelines for Use of Nutrition and Health Claims* (CXG 23-1997) to include conditions for a new “free of” TFA claim

National/Regional authorities			**Codex**
Risk management options	**Advantages**	**Drawbacks**	**Potential risk management roles**
G. Adopt regulations that require the declaration of PHO and fully hydrogenated oil in ingredient lists of prepackaged processed foods	• Strong incentive for industry compliance	• Requires capacity and resources for regulatory development and compliance and enforcement activities • Could have trade implications • Less relevant in jurisdictions where prepackaged processed foods are not the major sources of TFA • Consumers who are less knowledgeable about PHO and TFA and nutrition labelling may be disadvantaged with regard to identifying prepackaged processed foods that contain no PHO	CCFL • Amend the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) to add a requirement that partially hydrogenated and fully hydrogenated oils be declared by their specific names (similar to Section 4.2.3.2 regarding pork fat, lard and beef fat) and to define these terms