

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
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Agenda Item 7

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FATS AND OILS

#### Twenty-Sixth Session

Kuala Lumpur, Malaysia, 25 February -01 March 2019

#### ALIGNMENT OF FOOD ADDITIVES PROVISIONS IN STANDARDS FOR FATS AND OILS) EXCEPT FISH OILS) AND TECHNOLOGICAL JUSTIFICATION FOR USE OF EMULSIFIERS IN FC 02.1.2 OF THE GSFA

Comments from Canada, India, Japan and Thailand

#### Canada

##### Canadian Position

Canada appreciates the work of the electronic working group led by the European Union, in reviewing the food additive provisions in the Standards for fats and oils (except fish oils) in order to align these with the GSFA, and further exploring the technological justification for the use of emulsifiers in products covered by FC 02.1.2 of the GSFA.

Canada has the following comments and suggestions on the proposed modifications to the GSFA provisions (as indicated in the Annex of CX/FO 19/26/10) which would allow replacing food additive provisions of the fats and oils standards with general references to GSFA.

##### Standard for Named Vegetable Oils (CXS 210-1999)

(1) Emulsifiers in commodities conforming to CXS 210-1999:

"Polyglycerol esters of fatty acids (INS 475), sorbitan esters of fatty acids (INS 491-495), and stearyl lactylates (INS 481(i)-482(i)) are emulsifiers used for anti-crystallization purposes in cooking oil. Cooking oil is liquid in hot climates, but will crystallize during storage on the shelves of air-conditioned supermarkets. Although crystallization is reversible and temperature-dependent, consumers tend to interpret the crystallized oil as spoiled. Emulsifiers can postpone the onset of the crystallization process and thereby enhance consumer perception and prevent food waste.

Based on the information provided, the Committee should consider whether to amend the food additive provisions of the standard by allowing the use of the mentioned emulsifiers as an anti-crystallizer in cooking oil."

**Canadian Position:** We support the proposal to allow the use of the following food additives as emulsifiers for anti-crystallization purposes in cooking oil: Polyglycerol esters of fatty acids (INS 475), sorbitan esters of fatty acids (INS 491-495), and stearyl lactylates (INS 481(i)-482(i)).

(2) Alignment of food additive provisions in section 4 of the CXS 210-1999 with provisions of Tables 1-2 of the GSFA:

a) As food additives INS 160a(ii), 314, 484 and 322(i) are not listed in section 4 of CXS 210-1999, an exclusion note in CXS 210 should be introduced for these provisions in Tables 1 and 2 of GSFA:

Note XS210: "Excluding products conforming to the *Standard for Named Vegetable Oils* (CXS 210-1999)."

**Canadian Position:** We support the proposal to add an exclusion note, XS210, for the above listed food additives.

b) The additives INS 475, INS 491- 495 and INS 481(i)- 482(i) are currently not allowed in CXS 210-1999. CCFO25 considers that an exclusion note, Note XS210, should be added to the provisions of these additives in Tables 1-2 of the GSFA.

**Canadian Position:** We are wondering if this proposal is correct based on the proposals made under sections 1 and 2 of the Agenda item 7 (CX/FO 19/26/10) (see below). If the proposal instead "provided the use of INS 475, INS 491-495 and INS 481(i) – 482(i) is not allowed in CXS 210-1999...." Then we would agree that the XS notes are warranted.

- c) Although lecithin (INS 322(ii)) is not currently allowed in CXS 210-1999, CCFO25 considers it is justified as an antioxidant (but not as an emulsifier) in products conforming to CXS 210-1999. CCFO25 suggest to add a new note in Tables 1-2 of the GSFA:

**New Note A:** "For use as an antioxidant only in products conforming to the *Standard for Named Vegetable Oils* (CXS 210-1999)".

**Canadian Position:** We support the proposal to add a new note A to the lecithin provision in Tables 1-2 of the GSFA. However, the proposed note introduces an ambiguity as it suggests that lecithin can only be used in products conforming to CXS 210, and no longer those oils subsumed under FC 02.1.2. We suggest a revision to the proposed note A as follows: "For products conforming to the *Standard for Named Vegetable Oils* (CXS 210-1999): for use only as an antioxidant."

- d) The group thiodipropionates (thiodipropionic acid (INS 388) and dilauryl thiodipropionate INS (389)) is listed under FC 02.1.2 with the function of 'antioxidant' in the GSFA but it is not listed in section 4 of CXS 210-1999. However, INS 389 is listed in CXS 210-1999. In line with the working principles for alignment work, CCFO25 considers it is appropriate to allow the use of the group thiodipropionates in products conforming to CXS 210-1999.

**Canadian Position:** We support the proposal to allow the use of the group thiodipropionates (INS 388-389) in products conforming to CXS 210-1999, in Tables 1-2 of the GSFA.

- e) Tricalcium citrate (INS 333(iii)) and tripotassium citrate (INS 332(ii)) are listed under FC 02.1.2 in the GSFA but not in section 4 of CXS 210-1999. CCFO25 concluded that the use of INS 333(iii) and 332(ii) is technologically justified as antioxidant synergists (except in virgin or cold pressed oils). CCFO25 notes that INS 332(ii) and INS 333(iii) are not currently associated with the functional class 'antioxidant'.

**Canadian Position:** Considering the conclusion that the use of INS 333(iii) and 332(ii) is technologically justified as antioxidant synergists in products conforming to CXS 210-1999 (except virgin or cold pressed oils) and considering that this function is not currently associated to these two food additives, Canada would first suggest that a request be made to the INS working group to add the functional class of 'antioxidant synergist' to these two additives. Once this is done, we would then support the proposal to allow the use of these two additives, INS 333(iii) and 332(ii), in products conforming to CXS 210-1999, in Tables 1-2 of the GSFA, with the exception of virgin or cold pressed oils. **Note 356:** "Excluding virgin and cold pressed oils."

- f) CCFO25 notes that there are proposals, currently at step 7, to include the additives INS 475, INS 491-495, and INS 481(i)-482(i) in Tables 1 and 2 of the GSFA for FC 02.1.2, but at higher levels than those deemed necessary for products conforming to CXS 210-1999 (i.e., levels are reported in the table below). If CCFO25 agrees to the use of these emulsifiers, CCFA should be encouraged to advance these provisions for adoption by the CAC. If the CCFA considers that the use of the mentioned emulsifiers is justified at a higher level in non-standardised foods (as currently listed at step 7), CCFO25 recommends that the following notes be assigned to the provisions of INS 475, INS 491-495, and INS 481(i)-482(i):

Additive	INS No.	Note
Polyglycerol Esters of Fatty Acids	475	Except for use in cooking oil conforming to CXS 210-1999 at 600 mg/kg
Sorbitan esters of fatty acids	491-495	Except for use in cooking oil conforming to CXS 210-1999 at 750 mg/kg
Stearoyl Lactylates	481(i), 482(i)	Except for use in cooking oil conforming to CXS 210-1999 at 300 mg/kg

**Canadian Position:** As noted above, we support the proposal to allow the use of the following food additives as emulsifiers for anti-crystallization purposes in cooking oil: INS 475, INS 491-495 and INS 481(i)-482(i).

We would also suggest the following revised new notes for INS 475, INS 491-495 and INS 481(i)-482(i) if higher maximum use levels are recommended by the CCFA for FC 02.1.2:

**New Notes B:** "Except for use in cooking oil conforming to ~~CXS 210-1999~~ the *Standard for Named Vegetable Oils* (CODEX STAN 210-1999) at [level] mg/kg, as an emulsifier for anti-crystallization purposes only."

- g) The following additional additives are listed in under FC 02.1.2 in the GSFA but not in section 4 of CXS 210-1999: carotenes, beta-, vegetable (160a(ii)) and carotenoids (160a(i),a(iii),e,f). CCFO25 suggests that an exclusion note should be introduced for these provisions in Tables 1 and 2 of GSFA:

**Note XS210:** "Excluding products conforming to the *Standard for Named Vegetable Oils* (CXS 210-1999)."

**Canadian Position:** We support the proposal to add an exclusion note, XS210, for the above listed food additives.

- h) Section 4 of CXS 210-1999 provides for maximum levels (ML) of 100 mg/kg for propyl gallate (INS 310), 120 mg/kg for tertiary butylhydroquinone (INS 319) and 75 mg/kg for butylated hydroxytoluene (INS 321) while the GSFA sets a ML of 200 mg/kg for each additive. New notes should be introduced for these additives in Tables 1 and 2 of the GSFA indicating:

**New Note for INS 310:** “Except for use in products conforming to CXS 210-1999 at 100 mg/kg”.

**New Note for INS 319:** “Except for use in products conforming to CXS 210-1999 at 120 mg/kg”.

**New Note for INS 321:** “Except for use in products conforming to CXS 210-1999 at 75 mg/kg”.

Section 4 of CXS 210-1999 provides that any combination of gallates, BHA, BHT, or TBHQ should not exceed 200 mg/kg within individual limits. Note 133 (Any combination of butylated hydroxyanisole (INS 320), butylated hydroxytoluene (INS 321), and propyl gallate (INS 310) at 200 mg/kg, provided that single use limits are not exceeded) should be introduced for propyl gallate, BHA, BHT and TBHQ in Tables 1 and 2 of GSFA.

Section 4 of CXS 210-1999 provides for a maximum use level (MUL) of 100 mg/kg for isopropyl citrates (INS 384) while the GSFA sets a MUL of 200 mg/kg. A new note should be introduced for isopropyl citrates in Tables 1 and 2 of GSFA indicating:

**New Note for INS 384:** “Except for use in products conforming to CXS 210-1999 at 100 mg/kg”.

**Canadian Position:**

- (1) We note that butylated hydroxyanisole (BHA) (INS 320) is also listed in section 4 of CXS 210-1999 for an ML of 175 mg/kg.
  - (2) We do not support the use of Note 133 with the provisions for INS 310 and 319-321 in Tables 1 and 2 of the GSFA as Note 133 does not include INS 319.
  - (3) We also note that section 4 of the CXS 210-1999 also provide for a MUL of 100 mg/kg for citric and fatty acid esters of glycerol (INS 472c) singly or in combination with INS 384.
  - (4) Considering that the same food additives provisions are under consideration for CXS 211-1999 and CXS 19-1981, we have made overall suggestions for these additives under CXS 19-1981, for CCFO26 consideration.
- i) Antifoaming agents are technologically justified in products conforming to CXS 210-1999 only if they are destined for deepfrying. Polydimethylsiloxane (INS 900a) is listed in Tables 1-2 of the GSFA under FC 02.1.2. CCFO25 suggests that a new note be introduced for INS 900a in Tables 1 and 2 of GSFA indicating:

**New Note for INS 900a:** “For use only in oils for deepfrying in products conforming to CXS 210-1999”.

**Canadian Position:** Considering that the same food additive provision is under consideration for CXS 19-1981, we have made overall suggestions for this additive under CXS 19-1981, for CCFO26’s consideration.

- j) Recommendation of the CCFO for CXS 210-1999: The CCFO25 is recommending that the current provisions in Section 4 of CXS 210-1999 be replaced by the following text ensuring the alignment of the food additives provisions with the GSFA:

“Antioxidants, anti-foaming agents and emulsifiers used in accordance with Tables 1 and 2 of the *General Standard for Food Additives* (CXS 192-1995) in food category 02.1.2 (Vegetable oils and fats) and its parent food categories are acceptable for use in foods conforming to this Standard.

The flavourings used in products covered by this standard should comply with the Guidelines for the Use of Flavourings (CXG 66-2008).”

**Canadian Position:** We support the above recommendation.

**Standard for Named Animal Fats (CXS 211-1999)**

- 1) **Alignment of food additive provisions in section 4 of the CXS 211-1999 with provisions of Tables 1-2 of the GSFA:**
  - a) The following food additives are listed under FC 02.1.3 in the GSFA without having Note XS211, but not in section 4 of CXS 211-1999: INS no. 472e, 143, 314, 132, 900a, 432-436, 477, 110, 484, 388-

389. CCFO25 suggest that Note XS211 (Excluding products conforming to the *Standard for Named Animal Fats* (CODEX STAN 211-1999)) be introduced for the above provisions in Tables 1 and 2 of GSFA.

**Canadian Position:** We support the proposal to add an exclusion note, XS211, for the above listed food additives.

- b) The food additives INS no. 100(i), 160b(i), 331(i) and 331(iii) are listed in section 4 of CXS 211-1999 under the functional class colours and antioxidants but not under FC 02.1.3 in the GSFA. The provisions to include INS 100(i), INS 331(i) and INS 331(iii) in Tables 1 and 2 of the GSFA are currently at step 7. However, there is no provision in the step procedure to include INS 160b(i). CCFO25 suggest that the provisions to include the above listed food additive provisions in Tables 1 and 2 of GSFA should be advanced for adoption with a note restricting their use to products conforming to CXS 211-1999.

**Canadian Position:** We support the proposal to advance for adoption the provisions for INS no. 100(i), 160b(i), 331(i) and 331(iii) in Tables 1-2 of the GSFA with the use of a new note:

**New Note for INS no. 100(i), 160b(i), 331(i) and 331(iii):** "For use in products conforming to the *Standard for Named Animal Fats* (CODEX STAN 211-1999) only."

- c) A new note should be introduced for curcumin (INS100(ii)), beta-carotenes (vegetable) (INS160a(ii)), carotenoids (INS160a(i),a(iii),e,f), annatto extracts, bixin-based (160b(i) indicating "to be used in commodities conforming to CXS 211-1999 only for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the added colour does not deceive or mislead the consumer by damage or inferiority or by making the product appear to be of greater than actual value".

**Canadian Position:** We support the proposal to add a note to the provisions for the above mentioned food additives in Tables 1-2 of the GSFA. Canada would suggest the new note be revised as follows:

**New Note for the above mentioned food additives:** "~~To be used in commodities~~ **For products** conforming to ~~CXS 211-1999~~ **the *Standard for Named Animal Fats* (CODEX STAN 211-1999)**: only for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the added colour does not deceive or mislead the consumer by **covering up or masking** damage or inferiority or by making the product appear to be of greater **value** than **its actual** value."

- d) Section 4 of CXS 211-1999 provides for an ML of 25 mg/kg for INS 160a(ii) while GSFA sets a maximum level of 1,000 mg/kg. CCFO25 suggest that a new note be introduced for this additive in Tables 1 and 2 of GSFA:

**New Note for INS 160a(ii):** "Except for use in products conforming to CXS 211-1999 at 25 mg/kg".

Section 4 of CXS 211-1999 provides for an ML of 100 mg/kg for INS 310 while GSFA sets a maximum level of 200 mg/kg. CCFO25 suggest that a new note be introduced for this additive in Tables 1 and 2 of GSFA:

**New Note for INS 310:** "except for use in products conforming to CXS 211-1999 at 100 mg/kg".

Section 4 of CXS 211-1999 provides for an ML of 120 mg/kg for INS 319 while GSFA sets a maximum level of 200 mg/kg. CCFO25 suggest that a new note be introduced for this additive in Tables 1 and 2 of GSFA:

**New Note for INS 319:** "except for use in products conforming to CXS 211-1999 at 120 mg/kg".

Section 4 of CXS 211-1999 provides for an ML of 175 mg/kg for INS 320 while GSFA sets a maximum level of 200 mg/kg. CCFO25 suggest that a new note be introduced for this additive in Tables 1 and 2 of GSFA:

**New Note for INS 320:** "except for use in products conforming to CXS 211-1999 at 175 mg/kg".

Section 4 of CXS 211-1999 provides for an ML of 75 mg/kg for INS 321 while GSFA sets a maximum level of 200 mg/kg. CCFO25 suggest that a new note be introduced for this additive in Tables 1 and 2 of GSFA:

**New Note for INS 321:** "except for use in products conforming to CXS 211-1999 at 75 mg/kg".

Section 4 of CXS 211-1999 provides that any combination of gallates, BHA, BHT, or TBHQ should not to exceed 200 mg/kg within individual limits. Note 133 should be introduced for propyl gallate, BHA, BHT and TBHQ in Tables 1 and 2 of GSFA.

Section 4 of CXS 211-1999 provides for an ML of 100 mg/kg for INS 384 while GSFA sets a maximum level of 200 mg/kg. CCFO25 suggest that a new note be introduced for this additive in Tables 1 and 2 of GSFA:

**New Note for INS 384:** “except for use in products conforming to CXS 211-1999 at 100 mg/kg”.

**Canadian Position:** Considering that the same food additives provisions are also under consideration for CXS 210-1999 and CXS 19-1981, we have made overall suggestions for these additives under CXS 19-1981, for CCFO26’s consideration.

- e) Recommendation of the CCFO for CXS 211-1999: The CCFO25 is recommending that the current provisions in Section 4 of CXS 210-1999 be replaced by the following text ensuring the alignment of the food additives provisions with the GSFA:

“Colours and antioxidants used in accordance with Tables 1 and 2 of the *General Standard for Food Additives* (CXS 192-1995) in food category 02.1.3 (Lard, tallow, fish oil, and other animal fats) and its parent food categories are acceptable for use in foods conforming to this Standard.”

**Canadian Position:** We support the above recommendation.

### Standard for Edible Fats and Oils Not Covered by Individual Standards (CXS 19-1981)

#### 1) Alignment of food additive provisions in section 3 of the CXS 19-1981 with provisions of Tables 1-2 of the GSFA:

- a) The following food additives are listed under FC 02.1.2 and 02.1.3 in Tables 1-2 of the GSFA but not in section 3 of CXS 19-1981: INS no. 472e, 143, 314, 132, 900a, 432-436, 477, 110, 484. CCFO25 suggests that Note XS19 (Excluding products conforming to the *Standard for Edible Fats and Oils Not Covered by Individual Standards* (CXS 19-1981)) be introduced for the above provisions in Tables 1 and 2 of the GSFA.

**Canadian Position:** We support the proposal to add an exclusion note, XS19, for the above listed food additives with the exception of INS 900a. This additive is listed in section 3.5 of CXS 19-1981.

- b) The following food additives listed in section 3 of CXS 19-1981 under functional the class colours and antioxidants are not listed under FC 02.1.3 in GSFA: INS no. 100(i), 160b(i), 331(i) and 331(iii). The provisions to include INS no. 100(i), 331(i) and 331(iii) in Tables 1 and 2 of the GSFA are currently at step 7. There is no provision in the step procedure to include INS 160b(i), in Tables 1 and 2 of GSFA. CCFO25 suggests that provisions to include the above food additive provisions in Tables 1 and 2 of the GSFA be advanced for adoption with a note restricting their use to products conforming to CXS 19-1981.

**Canadian Position:** We support the proposal to advance for adoption the provisions for INS no. 100(i), 160b(i), 331(i) and 331(iii) in Tables 1-2 of the GSFA with the use of a note:

**New Note G:** “For use in products conforming to the *Standard for Edible Fats and Oils Not Covered by Individual Standards* (CODEX STAN 19-1981) only.”

- c) CCFO25 suggests that a new note be introduced for curcumin (INS100(i)), beta-carotenes (vegetable) (INS160a(ii)), carotenoids (INS160a(i),a(iii),e,f), annatto extracts, bixin-based (160b(i) indicating “to be used in commodities conforming to CXS 19-1981 only for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the added colour does not deceive or mislead the consumer by damage or inferiority or by making the product appear to be of greater than actual value”.

**Canadian Position:** We support the proposal to add a note to the provisions for the above mentioned food additives in Tables 1-2 of the GSFA. Canada would suggest the new note be revised as follows:

**New Note H:** “~~To be used in commodities~~ **For products** conforming to ~~CXS 19-1999~~ **the Standard for Edible Fats and Oils Not Covered by Individual Standards (CODEX STAN 19-1981):** only for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the added colour does not deceive or mislead the consumer by **covering up or masking** damage or inferiority or by making the product appear to be of greater ~~than actual value~~ **than its actual value**”.

- d) Section 3 of CXS 19-1981 provides for a ML of 300 mg/kg singly or in combination for tocopherols (INS 307a, 307b and 307c) while GSFA FC 02.1.1 sets a ML of 500 mg/kg. A new note should be introduced for tocopherols in Tables 1 and 2 of GSFA indicating:

**New Note for INS 307a, 307b and 307c:** “Except for use in products conforming to CXS 19-1981 at 300 mg/kg”.

Section 3 of CXS 19-1981 provides for a ML of 25 mg/kg for INS 160a(ii) while GSFA sets a ML of 1,000 mg/kg. A new note should be introduced for INS 160(ii) in Tables 1 and 2 of GSFA indicating:

**New Note for INS 160a(ii):** “Except for use in products conforming to CXS 19-1981 at 25 mg/kg”.

Section 3 of CXS 19-1981 provides for a ML of 100 mg/kg for INS 310 while GSFA sets a ML of 200 mg/kg. A new note should be introduced for INS 310 in Tables 1 and 2 of GSFA indicating:

**New Note for INS 310:** “Except for use in products conforming to CXS 19-1981 at 100 mg/kg”.

Section 3 of CXS 19-1981 provides for a ML of 120 mg/kg for INS 319 while GSFA sets a ML of 200 mg/kg. A new note should be introduced for INS 319 in Tables 1 and 2 of GSFA indicating:

New Note for INS 319: “Except for use in products conforming to CXS 19-1981 at 120 mg/kg”.

Section 3 of CXS 19-1981 provides for a ML of 175 mg/kg for INS 320 while GSFA sets a ML of 200 mg/kg. A new note should be introduced for INS 320 in Tables 1 and 2 of GSFA indicating:

New Note for INS 320: “Except for use in products conforming to CXS 19-1981 at 175 mg/kg”.

Section 3 of CXS 19-1981 provides for a ML of 75 mg/kg for INS 321 while GSFA sets a ML of 200 mg/kg. A new note should be introduced for INS 321 in Tables 1 and 2 of GSFA indicating:

New Note for INS 321: “Except for use in products conforming to CXS 19-1981 at 75 mg/kg”.

Section 3 of CXS 19-1981 provides for a ML of 100 mg/kg for INS 384 while GSFA sets a ML of 200 mg/kg. A new note should be introduced for INS 384 in Tables 1 and 2 of GSFA indicating:

**New Note for INS 384:** “Except for use in products conforming to CXS 19-1981 at 100 mg/kg”.

#### Overall Canadian Position (i.e, CXS 210-1999, CXS 211-1999 and CXS 19-1981):

We note that the *Standard for Edible Fats and Oils Not Covered by Individual Standards* (CODEX STAN 19-1981) corresponds, generally, to all of food category (FC) 02.1, the parent category of FC 02.1.1, 02.1.2 and 02.1.3. However, because the provisions that would apply to the sub-categories may differ depending on the notes used or the maximum permitted levels of use, we note that it is more appropriate to align the provisions set out in CXS 19-1981 with the individual sub-categories.

- (1) In considering the provisions and Notes set out for INS no. 307(a,b,c), 310, 319, 320, and 321 in the GSFA and the relevant standards, we support the proposed new Note above (“Except for use in products conforming to CXS 19-1981 at 300 mg/kg”).

FC	Max Level (mg/kg)	Notes
02.1	N/A	N/A
CXS 19-1981 (02.1)	300	singly or in combination
02.1.1	500	171
02.1.2	300	356 & 357
CXS 210-1999 (02.1.2)	300	singly or in combination
02.1.3	300	358
CXS 211-1999 (02.1.3)	300	singly or in combination

- (2) With respect to INS no. 310, 320, and 321, the current provisions for these additives in Tables 1-2 of the GSFA and the relevant Codex standards are:

Additive (INS No.)	FC	Max Level (mg/kg)	Notes
310	02.1	N/A	N/A
	CXS 19-1981 (02.1)	100	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
	02.1.1	100	15, 133, 171
	02.1.2	200	15, 130
	CXS 210-1999 (02.1.2)	100	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
	02.1.3	200	15, 130
	CXS 211-1999 (02.1.3)	100	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded

Additive (INS No.)	FC	Max Level (mg/kg)	Notes
319	02.1	N/A	N/A
	CXS 19-1981 (02.1)	120	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
	02.1.1	N/A	N/A
	02.1.2	200	15, 130
	CXS 210-1999 (02.1.2)	120	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
	02.1.3	200	15, 130
	CXS 211-1999 (02.1.3)	120	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
320	02.1	N/A	N/A
	CXS 19-1981 (02.1)	175	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
	02.1.1	175	15, 133, 171
	02.1.2	200	15, 130
	CXS 210-1999 (02.1.2)	175	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
	02.1.3	200	15, 130
	CXS 211-1999 (02.1.3)	175	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
321	02.1	N/A	N/A
	CXS 19-1981 (02.1)	75	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
	02.1.1	75	15, 133, 171
	02.1.2	200	15, 130
	CXS 210-1999 (02.1.2)	75	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded
	02.1.3	200	15, 130
	CXS 211-1999 (02.1.3)	75	Any combination of gallates, BHA, BHT, and/or TBHQ, 200 mg/kg but limits above not to be exceeded

The proposals for the new Notes made above would be sufficient to take into account the individual limits for the additives set by the relevant standards, compared to the current provisions in the GSFA. However, the new Notes do not account for the combination rule. Note 133 applies a combination rule but it does not include TBHQ. Therefore, we recommend that the Committee consider the following alternatives:

- (i) Apply the proposed new Notes above, and revise Note 133 to the following: “Any combination of butylated hydroxyanisole (INS 320), butylated hydroxytoluene (INS 321), and propyl gallate (INS 310), **and tertiary butylhydroquinone (INS 319)** at 200 mg/kg, provided that single use limits are not exceeded.” If this option is considered, it may be prudent to replace instances of Note 130 with revised Note 133 (as the latter more clearly explains the combination rule).
- (ii) OR, develop a single New Note that can be applied to each entry and that describes the individual limits per the commodity standards and the combination rule, such as:

**New Note D:** “For products conforming to the *Standard for Edible Fats and Oils Not Covered by Individual Standards* (CODEX STAN 19-1981), the *Standard for Named Vegetable Oils* (CODEX STAN 210-1999) and the *Standard for Named Animal Fats* (CODEX STAN 211-1999):

any combination of propyl gallate (INS 310), tertiary butylated hydroquinone (INS 319), butylated hydroxyanisole (INS 320), and butylated hydroxytoluene (INS 321) at 200 mg/kg, provided that single use limits of 100 mg/kg for INS 310, 120 mg/kg for INS 319 (not for use in foods in food category 02.1.1), 175 mg/kg for INS 320, and 75 mg/kg for INS 321 are not exceeded.”

We consider option (ii) to be preferred because the first option may be interpreted ambiguously as it may be understood to be allowing TBHQ (INS 319) in FC 02.1.1; though it actually is not, because there is no provision for TBHQ, so the single use limit is effectively 0 mg/kg.

(3) The provisions for INS 160a(ii) are as follows:

FC	Max Level (mg/kg)	Notes
02.1	N/A	N/A
CXS 19-1981 (02.1)	25	N/A
02.1.1	N/A	N/A
02.1.2	1000	N/A
02.1.3	1000	N/A
CXS 211-1999 (02.1.3)	25	N/A

We would thus recommend the following provision and notes for INS 160a(ii) in FC 02.1.2 and 02.1.3:

FC	Max Level (mg/kg)	Notes
02.1.2	1000	<b>XS210, New Note for INS 160a(ii)</b>
02.1.3	1000	<b>New Note for INS 160a(ii)</b>

**New Note for INS 160a(ii):** “For use in products conforming to the *Standard for Edible Fats and Oils Not Covered by Individual Standards* (CODEX STAN 19-1981) and the *Standard for Named Animal Fats* (CODEX STAN 211-1999) at 25 mg/kg”.

(4) The provisions for INS 384 and 472c are as follows:

Additive (INS No.)	FC	Max Level (mg/kg)	Notes
384	02.1	N/A	N/A
	CXS 19-1981 (02.1)	100	singly or in combination (with INS 472c)
	02.1.1	N/A	N/A
	02.1.2	200	N/A
	CXS 210-1999 (02.1.2)	100	singly or in combination (with INS 472c)
	02.1.3	200	N/A
	CXS 211-1999 (02.1.3)	100	singly or in combination (with INS 472c)
472c	02.1	N/A	N/A
	CXS 19-1981 (02.1)	100	singly or in combination (with INS 472c)
	02.1.1	N/A	N/A
	02.1.2	100	277
	CXS 210-1999 (02.1.2)	100	singly or in combination (with INS 472c)
	02.1.3	100	322
	CXS 211-1999 (02.1.3)	100	singly or in combination (with INS 472c)

We would thus recommend the following provisions and notes for INS 384 and 472c in FC 02.1.2 and 02.1.3 set out in the table below. Notes 277 and 322 should also be removed for INS 472c in FC 02.1.2



and 02.1.3, respectively. Note 277 should be replaced with Notes 356 and XS33 for consistency with the proposals made under this alignment exercise (see comments on CXS 33-1981):

Additive (INS No.)	FC	Max Level (mg/kg)	Notes
384	02.1.2	200	<b>New Note for INS 384 and 472c</b>
	02.1.3	200	<b>New Note for INS 384 and 472c</b>
472c	02.1.2	100	256, XS33, <b>New Note for INS 384 and 472c</b>
	02.1.3	100	<b>New Note for INS 384 and 472c</b>

**New Note for INS 384 and 472c:** “For products conforming to the *Standard for Edible Fats and Oils Not Covered by Individual Standards* (CODEX STAN 19-1981), the *Standard for Named Vegetable Oils* (CODEX STAN 210-1999), and the *Standard for Named Animal Fats* (CODEX STAN 211-1999): isopropyl acetate (INS 384) and citric and fatty acid esters of glycerol (INS 472c) singly or in combination at up to 100 mg/kg.”

- k) Antifoaming agents are technologically justified in products conforming to CXS 19-1981 only if they are destined for deepfrying. Polydimethylsiloxane (INS 900a) is listed in Tables 1-2 of the GSFA under FC 02.1.2 and 02.1.3. CCFO25 suggests that a new note be introduced for INS 900a in Tables 1 and 2 of GSFA indicating:

**New Note for INS 900a:** “For use only in oils for deepfrying in products conforming to CXS 19-1981”.

**Canadian Position:** We would suggest a revision to the new note for INS 900a to: (i) avoid unintentionally revoking the existing provisions in FCs 02.1.2 and 02.1.3 (because of the placement of the “only”); and (ii) take into account the alignment of CXS 210-1999:

**Revised New Note for INS 900a:** “For products conforming to the *Standards for Named Vegetable Oils* (CODEX STAN 210-1999) and *for Edible Fats and Oils Not Covered by Individual Standards* (CODEX STAN 19-1981): for use only in oils for deepfrying”.

- l) Recommendation of the CCFO for CXS 19-1981: The CCFO25 is recommending that the current provisions in Section 3 of CXS 19-1981 be replaced by the following text ensuring the alignment of the food additives provisions with the GSFA:

“Colours, antioxidants and antifoaming agents used in accordance with Tables 1 and 2 of the *General Standard for Food Additives* (CXS 192-1995) in food category 02.1, its parent food category, and its sub-categories are acceptable for use in foods conforming to this Standard.

The flavourings used in products covered by this standard should comply with the Guidelines for the Use of Flavourings (CXG 66-2008).”

**Canadian Position:** We support the recommendation.

#### Standard for Olive Oils and Olive Pomace Oils (CXS 33-1981)

- 1) **Alignment of food additive provisions in section 4 of the CXS 33-1981 with provisions of Tables 1-2 of the GSFA:**

- a) Section 4 of CXS 33-1981 only allows the addition of tocopherols (INS 307(a,b,c)) to refined olive oil, olive oil, refined olive-pomace oil and olive-pomace oil for the specific purpose of restoring natural tocopherol lost in the refining process with the concentration of alpha-tocopherol in the final product not exceeding 200 mg/kg.

In order to align the food additive provisions in Section 4 of CXS 33-1981 with Tables 1-2 of the GSFA, the CCFO25 suggest to add Note XS33 to all food additive provisions in FC 02.1.2 with the exception of tocopherols (INS 307(a,b,c)). CCFO25 also suggests replacing Note 277<sup>1</sup> by Notes 356 and XS33.

<sup>1</sup> **Note 277:** Excluding virgin and cold pressed oils and products conforming to the *Standard for Olive Oils and Olive Pomace Oils* (CXS 33-1981).

**Canadian Position:**

- (1) We support the proposal to add Note XS33 to all food additive provisions, currently in, and proposed for addition to, Tables 1-2 of the GSFA for FC 02.1.2 with the exception of INS 307(a,b,c).
- (2) We also support the proposal to replace Note 277 currently associated with several food additive provisions in Tables 1-2 of the GSFA for FC 02.1.2 (i.e., INS no. 330, 472c, 322(i), 331(i), 333(iii), 332(ii) and 331(iii)) with Notes 356 and XS33, as Note 277 is essentially the two notes in one.
- b) The CCFO25 noted that the use of INS 320, INS 321, INS 384, INS 900a, INS 310 and INS 319 is not excluded in virgin and cold pressed oils and products conforming to CXS 33-1981 in Tables 1 and 2 of GSFA. The CCFO25 suggests that Note 277 be introduced in Tables 1 and 2 of GSFA for the above provisions.

**Canadian Position:** For consistency with the proposals made under this alignment exercise, we would support the use of Notes 356 and XS33, instead of Note 277, for the food additive provisions of INS 310, INS 319, INS 320, INS 321, INS 384 and INS 900a in Tables 1-2 of the GSFA for FC 02.1.2.

- c) Recommendation of the CCFO for CXS 33-1981: The CCFO25 is recommending that the current provisions in Section 4 of CXS 33-1981 be replaced by the following text ensuring the alignment of the food additives provisions with the GSFA:

“Food additives used in accordance with Tables 1 and 2 of the *General Standard for Food Additives* (CXS 192-1995) in food category 02.1.2 (Vegetable oils and fats) and its parent food categories are acceptable for use in foods conforming to this Standard.”

**Canadian Position:** We support the recommendation to the Committee.

**Standard for Fat Spreads and Blended Spreads (CXS 256-2007)****(1) Alignment of food additive provisions in section 4 of the CXS 256-2007 with provisions of Tables 1-2 of the GSFA:**

- a) The following food additives are listed under FC 02.2.2 in the GSFA but not in section 4 of CXS 256-2007: INS no. 161g, 214, 218, 243 and 473a. CCFO25 suggests introducing Note XS256 for INS 161g, INS 214, INS 218 and INS 243 in Tables 1 and 2 of GSFA to replace the current Note 215. CCFO does not suggest any amendment for INS 473a as the additive is authorised singly or in combination with INS 473 and 474 in Tables 1-2 of the GSFA. CCFO considers this acceptable for use in CSX 256-2007.

**Canadian Position:** We support the suggestion to add Note XS256 in replacement of Note 215 to the food additive provisions for INS 161g, 214, 218 and 243 in Tables 1-2 of the GSFA for FC 02.2.2. While the XS note is needed for all of the provisions, we note that the replacement of Note 215 is only needed for INS 161g and 243 in Tables 1-2 of the GSFA for FC 02.2.2. We also agree that no amendment is needed for INS 473a.

- b) The following food additives listed in section 4 of CXS 256-2007 under functional class colours but not under FC 02.2.2 in GSFA: INS no. 100(i), 150b and 160b(i). The provisions to include INS no. 100(i) and 150b are currently at step 4, with an MUL of 20,000 mg/ kg for INS 150b. There is no provision in the step procedure for INS 160b(i).

CCFO eWG suggests that the provisions to include the above provisions in Tables 1 and 2 of GSFA be advanced for adoption with a note restricting their use to products conforming to CXS 256-2007 and with a note for caramel II indicating “except for use in products conforming to CXS 256-2007 at 500 mg/kg”.

CCFA50 recommended withdrawing the provisions for INS 201, INS 351(i), INS 351(ii), INS 336(i) and INS 336(ii) from CXS 256-2007<sup>2</sup>. CCFO eWG noted that INS 351(i) and INS 351(ii) are not included in CXS 256-2007, and that sorbates and tartrates will be subject to the food additives listed under these groups in the GSFA after the alignment has been completed.

<sup>2</sup> See paras 48(vi) and 134(vii), REP18/FA.

**Canadian Position:**

- (1) We support the proposal to advance for adoption the provisions for INS no. 100(i), 150b and 160b(i) in Tables 1-2 of the GSFA with the use of a new note:

**New Note for INS no. 100(i), 150b and 160b(i):** “For use in products conforming to the *Standard for Fat Spreads and Blended Spreads* (CODEX STAN 256-2007) only.”

- (2) Depending on the recommendation for adoption of the provision for INS 150b by the CCFA, we also support the proposal to add another note for INS 150b in Tables 1-2 of the GSFA:

**New Note for INS 150b (if the MUL of 20,000 mg/kg is added to Tables 1-2 of the GSFA for FC 02.2.2):** “Except for use in products conforming to the *Standard for Fat Spreads and Blended Spreads* (CODEX STAN 256-2007) at 500 mg/kg.”

- (3) We noted the comment from the eWG with respect to withdrawing the provisions for INS 201, INS 351(i), INS 351(ii), INS 336(i) and INS 336(ii) from CXS 256-2007.

- c) Section 4 of CXS 256-2007 provides for an MUL of 1,000 mg/kg for phosphates (as phosphorus) while GSFA sets an MUL of 2,200 mg/kg for phosphates (as phosphorus).

CCFO suggests introducing new notes for (a) phosphates, (b) sorbates and benzoates and (c) INS 479 in Tables 1 and 2 of GSFA indicating:

**New Note for phosphates:** “Except for use in products conforming to CXS 256-2007 at 1,000 mg/kg”.

**New Note for sorbates and benzoates:** “For use in products conforming to the *Standard for Fat Spreads and Blended Spreads* benzoates and sorbates singly or in combination. If used in combination, the combined use shall not exceed 2000 mg/kg of which the benzoic acid portion shall not exceed 1000 mg/kg”.

**New Note for INS 479:** “in fat emulsions for frying or baking purpose, only”.

**Canadian Position:**

- (1) We note that magnesium dihydrogen diphosphate (INS 450(ix)) does not appear in the list of phosphates in CXS 256-2007. However, as it is part of the group ADI for phosphates, diphosphates and polyphosphates, and because it has the function of acidity regulator, for which the other phosphates are used in CXS 256-2007, we recommend expanding the provisions in the standard to include INS 450(ix).
- (2) Therefore, we support the proposal to add notes for (a) phosphates, (b) sorbates and benzoates and (c) INS 479 in Tables 1-2 of the GSFA, but with some suggested editorial revisions:

**New Note for phosphates:** “Except for use in products conforming to ~~CXS 256-2007~~ the Standard for Fat Spreads and Blended Spreads (CODEX STAN 256-2007) at 1,000 mg/kg”.

**New Note for sorbates and benzoates:** “~~For use in products conforming to the Standard for Fat Spreads and Blended Spreads—benzoates and sorbates singly or in combination.~~ If benzoates and sorbates are used in combination in products conforming to the Standard for Fat Spreads and Blended Spreads (CODEX STAN 256-2007), the combined use shall not exceed 2,000 mg/kg of which the benzoic acid portion shall not exceed 1,000 mg/kg”.

**New Note for INS 479:** “For product conforming to the Standard for Fat Spreads and Blended Spreads (CODEX STAN 256-2007), for use in in fat emulsions for frying or baking purposes only”.

- d) Recommendation of the CCFO for CXS 256-2007: The CCFO25 is recommending that the current provisions in Section 4 of CXS 33-1981 be replaced by the following text ensuring the alignment of the food additives provisions with the GSFA:

“Acidity regulators, antifoaming agents, antioxidants, colours, emulsifiers, flavour enhancers, packing gases, preservatives, stabilizers and thickeners used in accordance with Tables 1 and 2 of the *General Standard for Food Additives* (CXS 192-1995) in food category 02.2.2 (Fat spreads, dairy fat spreads and blended spreads) and its parent food categories or listed in Table 3 of the *General Standard for Food Additives* are acceptable for use in foods conforming to this Standard.

The flavourings used in products covered by this standard should comply with the *Guidelines for the Use of Flavourings* (CXG 66-2008).”

**Canadian Position:** We support the above recommendation.

## India

### ANNEX

#### Standard for Named vegetable Oils

**Comment:** We do not support the proposed introduction of new note for Polydimethylsiloxane (900a) in Tables 1 and 2 of GSFA indicating “for use only in oils for deep frying in products conforming to CXS 210-1999”.

**Rationale:** It would not be appropriate to restrict the use of this emulsifier for deep frying application only, since oils are used in other food applications like bakery, shallow frying, confectionery etc. Moreover, GSFA and our national regulation, also allow 900a in all Vegetable Oils and Fats without this note. Therefore we propose to delete this note.

## Japan

Japan would like to thank EU as a chair of the EWG for its work on Alignment of food additives provisions in standards for fats and oils (except fish oils) and technological justification for the use of emulsifiers in FC 02.1.2 of GSFA. We also appreciate the opportunity to comment on this issue.

#### Specific Comments:

Japan proposes adding some changes to the Annex of item 7 as follows:

New texts added are shown in **bold** and underlined. Deletions are shown in ~~strike through~~.

- **Standard for Named Vegetable Oils (CXS 210-1999)**

2. According to the industry, the following food additives in the functional class emulsifiers are technologically justified in commodities conforming to CXS 210-1999 when used ~~as an anti-crystallizer~~ **for adjusting crystal formation or anti-spattering purpose** in cooking oil:

INS No.	Additive	Maximum Use Level
<b><u>473</u></b>	<b><u>Sucrose Esters of Fatty Acids</u></b>	<b><u>2,000 mg/kg</u></b>
475	Polyglycerol Esters of Fatty Acids	<del>600</del> <b><u>10,000</u></b> mg/kg
491-495	Sorbitan esters of fatty acids	750 mg/kg
481(i),482(i)	Stearoyl Lactylates	300 mg/kg

Provisions to include the above food additives in Tables 1 and 2 of GSFA are currently at step 7 but with considerably higher maximum use levels.

Thus if the CCFO agrees to the use of the mentioned emulsifiers the CCFA should be encouraged to advance those provisions for an adoption. If the CCFA considers that the use of the mentioned emulsifiers is justified at a higher level in non-standardised foods (as currently listed at step 7) the following notes should be assigned to the provisions:

Additive	Note
<b><u>Sucrose Esters of Fatty Acids</u></b>	<b><u>except for use in cooking oil conforming to CXS 210-1999 at 2,000 mg/kg</u></b>
Polyglycerol Esters of Fatty Acids	except for use in cooking oil conforming to CXS 210-1999 at <del>600</del> <b><u>10,000</u></b> mg/kg
Sorbitan esters of fatty acids	except for use in cooking oil conforming to CXS 210-1999 at 750 mg/kg
Stearoyl Lactylates	except for use in cooking oil conforming to CXS 210-1999 at 300 mg/kg

- **Standard for Edible Fats and Oils Not Covered by Individual Standards (CXS 19-1981)**

**According to the industry, the following food additives in the functional class emulsifiers are technologically justified in commodities conforming to CXS 19-1981 when used for adjusting crystal formation in cooking oil:**

<u>INS No.</u>	<u>Additive</u>	<u>Maximum Use Level</u>
<u>475</u>	<u>Polyglycerol Esters of Fatty Acids</u>	<u>10,000 mg/kg</u>

**Provisions to include the above food additives in Tables 1 and 2 of GSFA are currently at step 7 but with considerably higher maximum use levels.**

**Thus if the CCFO agrees to the use of the mentioned emulsifiers the CCFA should be encouraged to advance those provisions for an adoption. If the CCFA considers that the use of the mentioned emulsifiers is justified at a higher level in non-standardised foods (as currently listed at step 7) the following notes should be assigned to the provisions:**

<u>Additive</u>	<u>Note</u>
<u>Polyglycerol Esters of Fatty Acids</u>	<u>except for use in cooking oil conforming to CXS 19-1981 at 10,000 mg/kg</u>

Rationale:

1. Sucrose Esters of Fatty Acids (INS 473)

Sucrose Esters of Fatty Acids are used as emulsifier for anti-spattering purpose in cooking oils such as maize oil and rapeseed oil which belongs to CXS 210-1999. Cooking oils containing slight moisture can be easily spattered when heated. Anti-spattering agents such as INS 473 help prevent spattering by decreasing the surface tension of oil, thus preventing diffusion of oil stains on peripheral equipment and protecting consumers from thermal burn at the proposed use level of up to 2,000 mg/kg.

2. Polyglycerol Esters of Fatty Acids (INS 475)

Polyglycerol Esters of Fatty Acids are used as emulsifier for some purposes in cooking oils such as palm oil, palm olein, maize oil, soybean oil, rapeseed oil and mixed oils, which belong to CXS 210-1999 and CXS 19-1981. INS 475 have various functions depending on HLB (Hydrophilic-Lipophilic Balance) and type of fatty acid bound.,

Solid oils such as palm oil can be partially melted and separated into solid part and liquid part under higher ambient temperatures, which can lead consumers to consider them as spoiled products in quality. Emulsifiers such as INS 475 can work for maintaining solid state (Figure 1<sup>i</sup>) with proposed use level of 5,000 to 10,000 mg/kg.

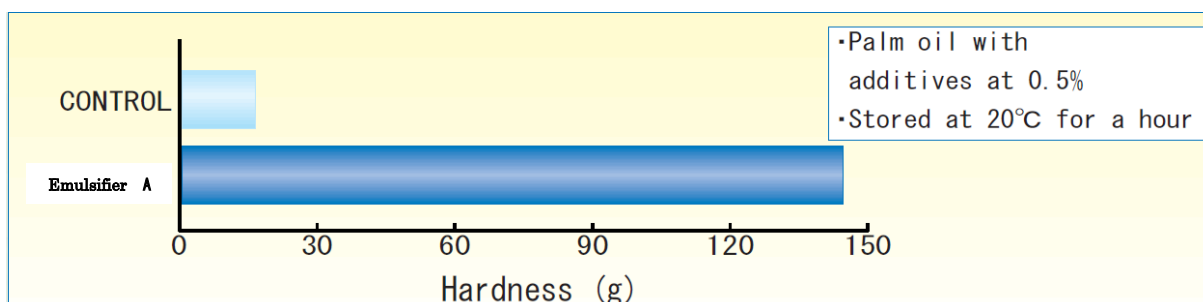


Figure 1: Comparison of Hardness\*

\* :weight when rheometer adapter is inserted

### Thailand

In principle, Thailand has no objection to the recommendation made by EWG.

<sup>i</sup> Source: Sakamoto Yakuhin Kogyo Co.,Ltd (2001) Technical Notes.