



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FATS AND OILS

Twenty-Sixth Session

Kuala Lumpur, Malaysia, 25 February- 01 March 2019

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER SUBSIDIARY BODIES

A. MATTERS ARISING FROM THE 40TH AND 41ST SESSION OF THE CODEX ALIMENTARIUS COMMISSION

MATTERS FOR INFORMATION

Standards and Related Texts Adopted¹

1. CAC40 (2017) adopted the:
 - *Standard for Fish Oils* (CXS 329-2017);
 - Revision to the *Standard for Olive Oils and Olive Pomace Oils* (CXS 33- 1981): Revision of the Limits of Campesterol;
 - Revision and amendments to the *Standard for Named Vegetable Oils* (CXS 210-1999): i) Revision of Quality Parameters for Peanut Oil; ii) Amendment to the Section on Flavourings; iii) Amendment to Section 2 in the Appendix - Fatty Acid Range of Crude Rice Bran Oil;
 - Amendment to the Sections on Flavourings of Standards for *Edible Fats and Oils not Covered by Individual Standards* (CODEX STAN 19-1981); and *Fat Spreads and Blended Spreads* (CODEX STAN 256-2007).

Standards and Related Texts Adopted at Step 5²

2. CAC40 adopted the proposed revision to the *Standard for Named Vegetable Oils* (CODEX STAN 210-1999): Addition of palm oil with high oleic acid (OXG)

New Work³

3. CAC40 approved new work on:
 - Revision of the *Standard for Named Vegetable Oils* (CODEX STAN 210-1999):
 - Essential composition of sunflowerseed oils;
 - Replacement of acid value with free fatty acids for virgin palm oil and inclusion of free fatty acids for crude palm kernel oil;
 - Inclusion of walnut oil, almond oil, hazelnut oil, pistachio oil, flaxseed oil and avocado oil.
 - Revision of the *Standard for Olive Oils and Pomace Olive Oils* (CODEX STAN 33-1981)

¹ REP17/CAC Appendix III

² REP17/CAC Appendix IV

³ REP17/CAC Appendix VI

B. 73TH SESSION OF THE EXECUTIVE COMMITTEE (CCEXEC73)⁴**MATTERS FOR INFORMATION****Overall work**

4. CCEXEC73 (2017) noted that CCFO26 (2019) would consider specific guidance for consideration of proposals addressing specific aspects of its work, other than the development of new standards and/or the inclusion of new vegetable oils or animal fats in the standard. CCEXEC73 also noted although CCFO work was progressing well, the Committee's overall workload remained significantly heavy.

5. CCEXEC73

- Welcomed the initiative of CCFO to develop additional guidance for the revision of parameters of, inclusion of new parameters in and editorial amendment of existing fats and oils standards and recommended that CCFO consider whether a simplified project document or procedure would expedite such work; and
- Recommended that CCFO consider developing a mechanism (e.g. forward plan) to better manage its agenda.

6. This matter will be considered under Agenda Item 9

C. MATTERS ARISING FROM OTHER CODEX SUBSIDIARY BODIES**The 44th Session of the Codex Committee on Food Labelling (CCFL44)****MATTERS FOR INFORMATION****Definition / criteria for determining high/mid oleic acid in vegetable oils⁵**

7. The CCFL44 agreed to inform the Committee on Fats and Oils (CCFO) that: i) the primary role of CCFL is to ensure labels are not false or misleading to consumers; ii) the issue of oleic acid in vegetable oils was of a compositional or technical nature and should be best dealt with in CCFO; and iii) the principle of consistency of labelling designations when addressing different vegetable oils should be applied based on the compositional characteristics of the oils as agreed by CCFO.

8. The Committee further agreed that consistency in the use of labelling terms could be considered as part of CCFL's future work.

Consideration of labelling provisions in Codex Standards (Endorsement)⁶

9. The CCFL44 endorsed the labelling provisions in the Codex Standard for fish oils.

Labelling of non-retail containers

10. The CCFL44 agreed to inform commodity committees of CCFL's ongoing work on guidance for the labelling of non-retail containers so that they were aware that the current standardized provisions might need to be adjusted or removed to reference the aforesaid guidance.

The 49th and 50th Session of the Codex Committee on Food Additives (CCFA49 / 50)**MATTERS FOR INFORMATION****Technological Justification of the use of food additives in fats and oils⁷**

11. CCFA49 noted the responses of CCFO25 and that CCFO needed more time to clarify the use of emulsifiers in FC 02.1.2 "Vegetable fats and oils".

MATTERS FOR ACTION**Revocation of certain Food additives provisions^{8,9}****a. Tartrates**

12. CCFA50 discussed the revocation of food-additive provisions on malates and tartrates in commodity standards, since these additives did not have specifications. CCFA also noted that commodity committees may need further discussion on the use of these additives in standardized foods.

⁴ REP 17/EXEC2 para 41,42

⁵ REP18/FL para. 6-7

⁶ REP18/FL para. 14,20

⁷ REP17/FA para. 15

⁸ REP18/FA para. 48 (vi)

⁹ REP18/FA para. 132 and 134 (vii)

13. The CCFA50 recommended that CCFO consider the revocation of the following provisions, taking into consideration the lack of JECFA specifications: monosodium tartrate (INS 335(i)), monopotassium tartrate (INS 336(i)), dipotassium tartrate (INS 336(ii)) in the *Standard for Fat Spreads and Blended Spreads* (CXS 256-2007);

b. *Sodium Sorbate (INS 201)*

14. CCFA50 agreed to:

- Remove sodium sorbate from the Priority List for JECFA Safety Assessment as no confirmation of data availability had been provided and noted that relevant provisions of sodium sorbate in both the GSFA and relevant commodity standards would be revoked.
- Recommend that CCFO consider the revocation of the provision for sodium sorbate (INS 201) from the *Standard for Fat Spreads and Blended Spreads* (CXS 256-2007).

Updating of certain Food-additives provisions in CCFO Standards¹⁰

15. CCFA50 endorsed the recommendations to request CCFO to update the food-additive provisions in the following commodity standards to reflect guidance from CCFO25 and resultant action taken at CCFA50:

- (i) the *Standard for Edible Fats and Oils Not covered by Individual Standards* (CXS 19-1981)
 - Lecithin (INS 322(i)) as an antioxidant and antioxidant synergist with a maximum use level (ML) of good manufacturing practice (GMP)
 - Tricalcium citrate (INS 333(ii)) and tripotassium citrate (INS 332(ii)) as antioxidant synergists with MLs of GMP
 - Mono- and di-glycerides of fatty acids (INS 471) as an antifoaming agent (for oils and fats for deep frying) with a ML of GMP
- (ii) the *Standard for Named Vegetable Oils* (CXS 210-1999)
 - Lecithin (INS 322(i)) as an antioxidant and antioxidant synergist with a maximum use level (ML) of good manufacturing practice (GMP)
 - Tricalcium citrate (INS 333(ii)) and tripotassium citrate (INS 332(ii)) as antioxidant synergists with MLs of GMP
- (iii) the *Standard for Named Animal Fats* (CXS 211-1999)
 - Lecithin (INS 322(i)) as an antioxidant and antioxidant synergist with a maximum use level (ML) of good manufacturing practice (GMP)
 - Mono- and di-glycerides of fatty acids (INS 471) as an antifoaming agent (for oils and fats for deep frying) with a ML of GMP

Alignment of Additives¹¹

16. CCFA50 agreed to publish the guidance document as an information document on the Codex website and inform commodity committees for their reference; and to inform the relevant committees of the alignment plan of CCFA and specially request CCFO and other two committees consider prioritizing initial alignment of commodity standards within the scope of their committee in order support CCFA planned GSFA alignment work in the course of next two years.

17. The Committee **is invited to consider** the requests from CCFA as highlighted in paragraphs 13, 14, 15 and 16 above.

The 38th Session of the Codex Committee on Methods of Analysis and Sampling¹²

Conversion factor for phosphorous to phospholipids in phospholipids determination for fish oils

18. The Observer of AOCS informed the Committee that while it would be possible to establish a theoretical conversion factor, establishment of a practical single conversion factor was not possible.

19. CCMAS agreed to inform CCFO that CCMAS was not in a position to recommend a single conversion factor.

¹⁰ REP18/FA para. 56

¹¹ REP18/FA para 48 (vi), (vii) and (viii)

¹² REP17/MAS para 8-9; and REP18/MAS, para. 47

Presentation of methods of analysis by committees

20. CCMAS agreed to remind committees that when methods are submitted to CCMAS for endorsement, these methods should indicate also the principle as well as proposed typing for the methods.

Review of CXS 234-1999

21. As part of the ongoing review and update of the Recommended Methods of Analysis and Sampling (CXS 234-1999), CCMAS39 agreed to proceed with the update on the workable package for fats and oils. The revision will be led by AOCS and considered by CCMAS40.

The 12th Session of the Codex Committee on Contaminants in Foods¹³

22. CCCF12 agreed to lower the ML for lead in edible fats and oils from 0.1 mg/kg to 0.08 mg/kg.

The 24th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems¹⁴Food Integrity, food authenticity and food fraud

23. CCFICS24 continued the discussions on the topic of food Integrity, food authenticity and food fraud and noted a number of views among which that further consideration of relevant definitions may be needed and CCFICS could consider seeking advice from the Commission in that regard, including on which Codex body or bodies had the expertise. Some delegations considered that this could be done following initial consideration by the EWG.

24. The Committee also agreed to inform CCEXEC, the Commission and its subsidiary bodies, including CCGP, of its ongoing discussions on this subject.

The 40th Session of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU40)¹⁵

25. The Committee also agreed to inform CCFO and CCFL on the work currently under way related to Trans Fatty Acids (TFAs).

26. The Committee **is requested to take note** of the information from CCMAS, CCFICS and CCNFSDU. The full discussion for CCFICS and CCNFSDU is reproduced in Appendix I and II respectively.

¹³ REP18/CCCF para 43-44

¹⁴ REP19/FICS para 54-60

¹⁵ REP19/NFSDU para 99-110

Appendix I

DISCUSSION PAPER ON FOOD INTEGRITY AND FOOD AUTHENTICITY (Agenda item 7)¹⁶

54. The representative of the EU, as Co-Chair of the EWG on Food Integrity and Food Authenticity, introduced the discussion paper, which contained definitions of food integrity, food authenticity, food fraud and Economically Motivated Adulteration (EMA); provided an analysis of how different CCFICS texts took into account the issues around food integrity and authenticity; noted a number of areas where further work may be justified; and presented recommendations for the Committee's consideration based on inputs from the EWG.
55. The Committee thanked the Islamic Republic of Iran for leading the EWG.

Discussion

56. The Committee agreed on the important cross-cutting nature of issues relating to food integrity and food authenticity and held a wide-ranging discussion in which many delegations engaged. There was recognition that CCFICS may have a role to play in this area. The Committee noted the following views:
- The need for horizontal guidance should be carefully considered since several existing Codex texts already addressed relevant issues.
 - Any future CCFICS work in this area should be refined to avoid duplication with existing texts and well defined within the CCFICS mandate, taking into account the discussion held in 2008 on the prevention of intentional contamination of food.
 - Further consideration of relevant definitions may be needed and CCFICS could consider seeking advice from the Commission in that regard, including on which Codex body or bodies had the expertise. Some delegations considered that this could be done following initial consideration by the EWG.
 - Other Codex committees were awaiting the outcome of the discussion in CCFICS on food integrity and food authenticity.
 - CCFICS could elaborate a range of guidance, including: what types of risks competent authorities should consider when designing control programmes; exchange of information and cooperation between different authorities at the national and international levels; communication with stakeholders and the general public on food fraud incidents; and measures targeting food fraud.

Conclusion

57. The Committee agreed to establish an EWG, chaired by the United States of America and co-chaired by the EU and the Islamic Republic of Iran, working in English only, to:
- (i) further consider the role of CCFICS with respect to tackling the challenge of food fraud in the context of food safety and fair practices in the food trade; and
 - (ii) conduct a comprehensive analysis of existing relevant Codex texts within and outside of CCFICS to avoid overlapping or intrusion onto the mandate of other Codex general subject or commodity committees, noting that a number of related Codex texts existed within and outside of CCFICS.
58. Should the EWG identify gaps in existing CCFICS texts, it may: propose new work, within the scope and mandate of CCFICS, for consideration at CCFICS25; consider what definitions need to be developed; and propose definitions that may be needed in any future project document, consistent with existing Codex texts, scope and mandate for use in prospective project documents as appropriate.
59. The results of the discussion and any proposals for new work in CCFICS would not preclude other Codex Committees from initiating new work that may complement the work of CCFICS falling within the scope and mandate of their respective Committees.
60. The Committee also agreed to inform CCEXEC, the Commission and its subsidiary bodies, including CCGP, of its ongoing discussions on this subject.

¹⁶ CX/FICS 18/24/7; Comments of: Cuba, EU, Philippines, Thailand, AU, the e International Food Authenticity Assurance Organization and WCO (CRD2); El Salvador (CRD6); Papua New Guinea (CRD7); Nigeria (CRD8); and India (CRD9).

Appendix II

DISCUSSION PAPER ON CLAIM FOR “FREE” OF TRANS FATTY ACIDS (Agenda Item 8)

99. Canada provided background to the previous discussions on the claim for “free” of TFAs as presented in CRD7 and provided two options for consideration by the Committee: i) setting the condition for the claim as Conditions (not more than): *1 g of TFA per 100 g of fat; and must meet the conditions for “low” in saturated fats*; ii) not setting conditions for a claim, outlining the considerations for and against each of the options.

Discussion

100. The Committee generally agreed that reducing TFAs in foods was an important public health goal.
101. However, different views were expressed on whether or not it was possible to set a condition for the claim.
102. Those delegations supporting discontinuation, expressed the following views that:
- It was not possible at this time to accurately measure TFAs in all foods and would be difficult to implement and enforce.
 - The claim could be misleading as some foods which might not have TFAs in the first place, could also be labelled as “free” of TFAs.
 - Labelling was important for consumers to make informed choices, but singling out a nutrient could be problematic.
 - Some foods, while low in TFAs, would not be able to meet the claim because of the link to the condition for “low” in saturated fatty acids.
 - Risk management of TFAs might require other regulatory approaches or guidance documents for the elimination of industrially produced TFA/PHO and/or the use of FOPL.
 - Warnings rather than claims would be more effective.
103. Those delegations in favour of continuing the work expressed the views that:
- Having the condition for a claim could encourage the industry to reduce TFAs.
 - In some of their countries such legislation or other regulatory or non-regulatory measures existed and that there was no problem with accurate measurement and enforcement.
104. One delegation stated that the conditions for the claim for free of TFAs should not be linked to SFA. This was supported by some observers who also noted that the proposal should be limited to industrially-produced TFAs.
105. On points raised on the concerns with linking the condition to “low” in saturated fatty acids, the Representative of WHO noted that the draft guidelines on saturated and *trans*-fatty acids intake in adults and children was released for public consultation in May 2018 and the recommendation of the updated WHO guideline on TFA intake being less than 1% of total energy intake is for total TFA. But given the large part of TFA consumption is related to industrially-produced TFA, the REPLACE action package released to guide country actions focuses on developing and implementing the measures for eliminating industrially-produced TFA. It should also be noted that a key strategic principle which WHO highlights in achieving the TFA target is without an increase in the intake of saturated fatty acids (SFA) with the aim of keeping SFA intake to less than 10% of total energy intake. The Representative, therefore, highlighted the importance of keeping the conditions for “low” in SFA as in the proposal before the Committee.
106. Alternative proposals were made to consider other risk management options, other than setting a condition for a labelling claim, such as requesting CCCF to set a maximum level for industrially produced TFAs or develop a code of practice to reduce or eliminate industrially produced TFAs.
107. The Codex Secretariat clarified that if CCCF were requested to establish a maximum level, JECFA would need to first undertake a risk assessment.
108. The FAO representative of JECFA Secretariat informed the Committee of the principles of a chemical risk assessment by the FAO/WHO scientific programme. The FAO/WHO's risk assessment always considered the work of other Committees and organizations. He informed the Committee of the principles of FAO/WHO risk assessment that was driven by the identification of the most sensitive toxicological endpoint, and the appropriate determination of the most susceptible part of the exposed population. This process was geared to inform the Codex committee of a health-based guidance value (or other measures) that could serve its deliberation to develop the most suitable risk management option.

109. However, the Committee felt it premature to request CCCF to consider another risk management option other than the establishment of a claim, and agreed that further information was needed to make a more informed decision.
110. The Committee also agreed to inform CCFO and CCFL on the work currently under way related to TFAs.

Conclusion

111. The Committee decided to suspend the discussion on the proposed draft condition for a claim for “free” of TFAs (Appendix VII), but that Canada would prepare a discussion paper on different risk management possibilities for the reduction of TFAs within the mandate of Codex for consideration by its next session.