

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
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ORGANIZATION



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Agenda Item 2

CX/CPC 01/2

July 2001

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON COCOA PRODUCTS AND CHOCOLATE

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Nineteenth Session

Fribourg, Switzerland, 3 - 5 October 2001

**MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION
AND
OTHER CODEX COMMITTEES**

**A. TWENTY-FOURTH SESSION OF THE CODEX ALIMENTARIUS COMMISSION
(2-7 July 2001, Geneva, Switzerland; ALINORM 01/41)**

1. STANDARDS PROPOSED AT STEP 8¹ OF THE UNIFORM PROCEDURE

1. The Commission adopted the Draft Revised Standard for Cocoa Butter; the Draft Revised Standard for Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake, and the Draft Revised Standard for Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars at Step 8 of the Uniform Procedure, with the exception of provisions on lead levels in all the products covered by those three revised standards and with amendments (Paras. 177-183).

Draft Revised Codex Standard for Cocoa Butter

a) General discussion on Lead level in Cocoa Butter (Paras. 119-120)

2. Several delegations were of the opinion that the reduction of the level for lead in cocoa butter from 0.5 mg/kg to 0.1 mg/kg was not adequately justified and would create barriers to trade without any significant reduction of health risk. Other delegations were of the opinion that the lower levels were easily achievable with the application of good agricultural practices.

3. As there was no consensus, the Commission adopted the level of 0.1 mg/kg for lead in vegetable oils, excluding cocoa butter, with the understanding that the level did not apply to lead in cocoa butter. The Commission agreed that there was a need for getting reliable scientific data from Governments and other interested organizations in order to justify any level, lower than 0.5 mg/kg in cocoa butter.

b) Amendment to the Draft Revised Standard for Cocoa Butter (Para. 158)

4. The Commission agreed to exclude the use of hexane as a processing aid in press cocoa butter as this was inconsistent with normal practice. Noting its earlier decision concerning the level of lead in Cocoa Butter, the Commission adopted the Draft Standard at Step 8 as amended.

¹ ALINORM 01/41, Paras. 100-205

Draft Revised Codex Standard for Cocoa (Cacao) Mass (Cocoa/Chocolate liquor) and Cocoa Cake (Paras. 178-180)

5. The Commission agreed to amend Section 3.2 fixing the Cocoa Shell and Germ content to “not more than 4.5% calculated on an alkali free basis” on the basis of comments presented by the Chairman of the Committee. The Commission also amended Section 8.3 by aligning the method for the determination of lead to the method recommended in other Codex Standards for Cocoa products. that is to say “According to AOAC 934.07”.
6. As a matter of consistency with the decision taken on the level of lead in Cocoa Butter, the Commission agreed that there was also a need for getting reliable scientific data from Governments and other interested organizations in order to justify any lower level than 2 mg/kg.
7. The Commission adopted the Draft Standard at Step 8 as amended.

Draft Revised Codex Standard for Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars (Paras. 181-183)

8. The Observer of IOCCC underlined the need for clarification on levels of additives regarding the nature of final products. The Commission recalled that the Committee on Cocoa Products and Chocolate tried to establish a clear distinction between products that were intended for further use and those sold to the consumer directly. The Commission agreed to insert an additional mention to “final cocoa products” in enlarging provisions for the use of additives to all cases present in international food trade.
9. As a matter of consistency with the decision taken on the level of lead in Cocoa Butter, the Commission agreed that there was also a need for getting reliable scientific data from Governments and other interested organizations in order to justify any lower level than 2 mg/kg in cocoa powders and dry mixtures of cocoa and sugars.
10. The Commission adopted the Draft Standard at Step 8 as amended.

2. MEDIUM-TERM PLAN 2003/2005, STRATEGIC FRAMEWORK, AND CHAIRPERSON’S ACTION PLAN²***Chairperson’s Action Plan (Paras. 54-70)***

11. The Commission noted that the Chairperson’s Action Plan, which includes six desired outcomes, was elaborated to assist in the implementation of the Medium-Term Plan (MTP). It was noted that the Action Plan would be incorporated into the Medium-Term Plan.
12. Regarding the improvement of the efficiency and speed of the Codex process and consensus building, the Commission agreed that, in relation to the proposed conversion of most commodity Committees to *ad hoc* Task Forces, *Criteria for the establishment of Work Priorities*, if properly applied, were sufficient to assist in the adjournment or abolition of Codex Committees and noted that the *Criteria* gave preference to the establishment of Task Forces when new work was required.

Revised Draft Strategic Framework/Vision Statement and Medium-Term Plan (Paras. 46-53)

13. The Commission noted that a detailed Draft Medium-Term Plan (MTP) for the period 2001-2003 had been developed by the Executive Committee between its 47th and 48th sessions as well as a Draft Strategic Framework, that included a Draft Strategic Vision Statement.
14. The Commission adopted the draft Strategic Framework, including the Strategic Vision Statement with several amendments (Paras 47-53 and Appendix II).
15. The Commission agreed that the Draft Medium-Term Plan should be revised by the Secretariat in the light of the Strategic Framework, the session discussion and the written comments received, and should incorporate the elements of the Chairperson’s Action Plan agreed to by the Commission. It agreed that the

² ALINORM 01/41; Paras. 46-70

activities envisaged in the MTP should include cost estimates to determine whether the objectives could be achieved within available resources. The revised draft Medium-Term Plan would be then circulated for the input of FAO/WHO Regional Coordinating Committees, other Codex Committees, Member governments and international organizations for further consideration and finalization at the 25th Session the Commission (Para. 69).

3. AMENDMENT TO THE PROCEDURAL MANUAL (ALINORM 01/41; Appendix III)

Statements of Principle on the Role of Science in the Codex Decision Making Process and the Extent to which Other Factors are Taken into Account **Criteria for the Consideration of the Other Factors Referred to in the Second Statement of Principle (Paras. 93-98)**

16. The Commission adopted a revised version of the draft Criteria proposed by the Codex Committee on General Principles. The main amendments to the text laid in the deletion of Paragraph 7 referring to the recommendations of other international organizations. The Commission also retained the text making reference to WTO, SPS and TBT concerning barriers to trade as a footnote to Paragraph 9.

17. The Commission noted that the amended Criteria would be included in the Appendix to the Procedural Manual after the fourth *Statement of Principles*.

Relations Between Commodity Committees and General Committees-Methods of Analysis and Sampling

18. The Commission agreed to amend the section on “Normal Practice” to reflect the criteria approach as proposed (Para. 91 and Appendix III).

Amendment to the Guidelines for the Inclusion of Specific Provisions in Codex Standards and related texts – Principles for the Establishment of Codex Methods of Analysis and Sampling (Para. 89 and Appendix III)

19. The Commission agreed to add a new sub-section on *General Criteria for the Selection of Methods of Analysis and Sampling using the Criteria Approach* as proposed by the Codex Committee on Methods of Analysis and Sampling.

B. THIRTY THIRD SESSION OF THE CODEX COMMITTEE ON FOOD ADDITIVES AND CONTAMINANTS (12-16 March 2001, The Hague, The Netherlands; ALINORM 01/12A)

1. ENDORSEMENT OF FOOD ADDITIVES PROVISIONS (Paras 35-40)

Draft Revised Standard for Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake (Para. 42)

20. The Codex Committee on Food Additives and Contaminants (CCFAC) at its 33rd Session endorsed the food additives provisions in the Draft Revised Standard for Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake.

Draft Revised Standard for Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars (Paras. 38-40)

21. The Delegation of Japan, referring to its written comments³, and following earlier discussion in the CCCPC, presented the technical justification for the inclusion of one emulsifier and several stabilizers and thickeners in the standard.

22. The Delegation of Switzerland, supported by some delegations, expressed the view that many emulsifiers were already allowed in cocoa powders at GMP level and the addition of other substances might significantly increase additive intake, and proposed that the question should be referred back to the CCCPC for further

³ CX/FAC 01/5

consideration. It was also pointed out that although Propylene Glycol Esters of Fatty Acids (477) was already included in the *General Standard for Food Additives* (GSFA) for a number of foods, there were no provisions for this additive in cocoa and chocolate products.

23. Other delegations pointed out that the role of the Committee was to ensure safe use of additives and there was no reason to limit the use of safe additives when technological justification was provided, as in the present case. The Committee agreed to add the additives proposed by the Delegation of Japan in the sections on emulsifiers, stabilizers and thickeners.

Draft Revised Standard for Chocolate and Chocolate Products (Paras. 35-37)

24. The CCFAC endorsed the food additive provisions as proposed. However, the Committee did not endorse the GMP level for Vanillin and Ethyl-Vanillin in view of their numerical ADI.

25. The Delegation of the United States proposed to delete Cyclamic Acid (952), as it was not allowed in its national legislation due to safety concerns. Other delegations supported its inclusion as it was currently allowed in several countries. The Committee agreed to retain the current section on sweeteners. The Delegation of the United States, supported by the Delegations of Canada and Thailand, expressed its disagreement with the inclusion of this additive on food safety grounds.

26. The JECFA Secretariat informed the Committee that no ADI had been allocated to Gold (175) and Silver (174). However, JECFA had agreed that, in view of their very limited use and consumption, they were not considered as a hazard to health. The Committee therefore agreed to endorse the use of Gold and Silver in Chocolate and Chocolate Products.

2. ENDORSEMENT OF CONTAMINANTS PROVISIONS (Paras. 101-107)

27. The CCFAC considered the contaminants provisions in the Proposed Draft Standards for Cocoa Butters, for Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake and for Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars.

28. The Delegation of the United States, recalling earlier discussions on this issue, expressed the view that the level of lead of 1mg/kg proposed for several commodities was too high and should be lowered significantly. The Delegation of Australia expressed the view that as a rule, maximum limits should be established only for commodities which contributed significantly to the intake for each contaminant on the basis of exposure assessment. Unless such was the case, the maximum limit might be viewed as a quality standard rather than a health-related one.

Draft Revised Codex Standard for Cocoa Butter (Paras. 103-104)

29. The Delegation of Malaysia, supported by other Delegations, expressed the view that the level of 0.1 mg/kg for lead in cocoa butter was not justified and would create barriers to trade without any significant reduction of health risk.

30. The Delegation of Switzerland, speaking on behalf of the Swiss Secretariat of the CCCPC, indicated that the reduction of the lead level had been proposed in the CCCPC and extensively discussed, and that it was consistent with the lead levels for vegetable oils finalized by the Committee at its last session. The Committee decided that there was no need for endorsing the maximum levels for lead in cocoa butter, as it was included in the draft maximum levels for lead in vegetable oils⁴ that had been submitted to the Commission for final adoption at Step 8.

***Draft Revised Standard for Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake
Draft Revised Standard for Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars
(Para. 105)***

31. Switzerland, speaking on behalf of the Swiss Secretariat of the CCCPC, informed the Committee that the CCCPC had reduced the maximum level for lead from 2 to 1 mg/kg, and that the high levels of lead in cocoa

⁴ ALINORM 01/12, Appendix XI

beans were recommended due to the fact that contamination arose from the soil and environmental pollution and therefore, the CCCPC indicated that 1 mg/kg was the lowest level achievable. Some delegations indicated that there was a need for further information on exposure assessment in order to decide whether specific levels should be established for cocoa products and chocolate in order to address food safety concerns. The Committee decided not to endorse the maximum levels for lead in these products (including chocolate and chocolate products) as this would be considered within the framework of the Codex General Standard for Contaminants and Toxins in Foods.

Draft Revised Standard for Chocolate and Chocolate Products (Paras. 106-107)

32. The Committee recommended that Copper should be transferred from the Contaminants section to the “Composition and Quality Factors” Section in the standard, in view of its earlier decision (ALINORM 99/12A, para. 96) and to ensure consistency with other Codex standards. The Committee decided to withdraw the level for Arsenic in view of its earlier decision to discontinue work on levels for Arsenic as no adequate methods were available (ALINORM 99/12A, para. 137).

33. The Delegation of Germany proposed to establish a level for Cadmium in chocolate and chocolate products and the Committee agreed to consider this question under Agenda Item 16d concerning Cadmium levels (Para. 167).

34. The Delegation of Germany requested the Committee to consider the establishment of maximum levels for Cadmium in chocolate and chocolate products in view of the fact that its information indicated the possibility of high contamination of these products resulting in considerable exposure. The Committee agreed to request information on proposed draft levels in the Circular Letter⁵ to the report of the 33rd Session of the CCFAC (Para. 167).

**C. TWENTY-NINTH SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING
(1-4 May 2001, Ottawa, Canada; ALINORM 01/22A)**

1. ENDORSEMENT OF LABELLING PROVISIONS

Draft Revised Codex Standard for Cocoa Butter

***Draft Revised Codex Standard for Cocoa (Cacao) Mass (Cocoa/Chocolate liquor) and Cocoa Cake
(Paras 19-20)***

35. The Committee endorsed the labelling provisions as proposed in both above-mentioned standards.

Draft Revised Codex Standard for Cocoa Powder (Cocoas) and Dry Mixtures of Cocoa and Sugars

36. The Committee endorsed the labelling provisions and agreed to add a section on Labelling of Non-Retail Containers for consistency with the other standards on cocoa products. This information is included in ALINORM 01/14 Corrigendum.

**D. TWENTY-THIRD SESSION OF THE CODEX COMMITTEE ON METHODS OF
ANALYSIS AND SAMPLING (26 February-2 March 2001, Budapest, Hungary; ALINORM
01/23)**

**1. ENDORSEMENT OF METHODS OF ANALYSIS AND SAMPLING PROVISIONS IN CODEX STANDARDS
(Para. 97)**

37. The Committee did not endorse the methods for the determination of fat content in the Draft Standard for Cocoa Powders and requested the CCCPC to provide evidence of a collaborative study validation and information regarding the purpose and the type of method.

⁵ CL 2001/13-FAC

38. The Committee did not endorse the method for the determination of Copper in the *Proposed Draft Standard for Chocolate and Chocolate Products* and requested the Committee to consider adopting one of the Codex general methods for Copper.