

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

Agenda Item 3

**CX/CPC 01/3
July 2001**

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

E

CODEX COMMITTEE ON COCOA PRODUCTS AND CHOCOLAT

Nineteenth Session

Fribourg, Switzerland, 3 – 5 October 2001

PROPOSED DRAFT STANDARD FOR CHOCOLATE AND CHOCOLATE PRODUCTS

BACKGROUND

1. At its 18th Session¹, the Committee, noted that considerable progress had been made on the most difficult issues concerning the *Proposed Draft Standard for Chocolate and Chocolate Products* and agreed to forward it to the Codex Alimentarius for consideration and adoption at Step 5 of the Codex Procedure at its 24th Session (Geneva, Switzerland, 2-7 July 2001). Document CX/CPC 01/3 contains comments submitted in response to the Codex Circular Letter CL 2000/46-CPC. These comments were distributed for consideration by the Commission at its 24th session.
2. The Codex Alimentarius Commission was unable to examine the *Proposed Draft Standard for Chocolate and Chocolate Products* at Step 5 due to time constraints. The Executive Committee will examine this Proposed Draft Standard at its forthcoming 49th Extraordinary Session due to be held on 26-27 September 2001. The Committee will therefore base its discussions of the Proposed Draft Standard on the outcome of the considerations which will be made by the Executive Committee at its 49th Extraordinary Session.

¹ ALINORM 01/14 ; Para. 75.

PROPOSED DRAFT STANDARD FOR CHOCOLATE AND CHOCOLATE PRODUCTS

Comments submitted by Brazil, India, Italy, Malaysia, Poland, Portugal, Spain, the United States of America and Caobisco in response to CL 2000/46-CPC.

GENERAL COMMENTS ON THE PROPOSED DRAFT STANDARD

☞ **Spain:** As we have not received the Spanish version of ALINORM 01/14, which is not available either on the Codex Web site, we reserve the right to make further comments once we have the text in Spanish.

☞ **USA:** The United States of America was pleased with the significant progress made on this standard at the Eighteenth Session of the Codex Committee on Cocoa Products and Chocolate.

The United States of America has comments on several issues that were not resolved at the Eighteenth Session due to a lack of time. The United States of America appreciates the opportunity to comment on this Standard and looks forward to a fruitful meeting in Fribourg this October.

☞ **Caobisco:** It was decided by Codex that some points in the standards on which the Codex Committee could not compromise, would be subject to national legislations. CAOBISCO is surprised at this new practice, the objective of Codex standards being to achieve harmonization of food legislation; in cases of dispute, Codex standards are taken as the reference by the WTO. Even though national authorities allow some liberty on certain points, it is difficult to arrive at any harmonization. CAOBISCO has noticed that this practice has been introduced in standards for several points, among which:

- the list of vegetable fats
- percentage of milk
- percentage of milk fats

Without wishing to re-open the debate but in the interest of clarity, CAOBISCO wonders what the consequences of such a practice would be.

Regarding “additives” provisions included in the 4 vertical standards (Cocoa Butter, Cocoa Mass, Cocoa Powder and Chocolate), CAOBISCO has noticed that the authorisations for additives provided in these 4 standards are different to those provided in the Draft General Food Standard on Additives, which is much broader and allows more additives to be used in the products covered by the vertical standards. Therefore CAOBISCO would like to question the Codex Chocolate Committee on how the vertical standards and the horizontal standard would be combined regarding ‘Additives’ provisions and which one will have prevalence.

TITLE: PROPOSED DRAFT STANDARD FOR CHOCOLATE AND CHOCOLATE PRODUCTS

1 SCOPE

The standard applies to all chocolate and chocolate products for sale to consumers. Chocolate and chocolate products shall be prepared from cocoa and cocoa materials with sugars and may contain sweeteners, milk products, flavouring substances and other food ingredients.

2 DESCRIPTION AND ESSENTIAL COMPOSITION FACTORS

India: The Codex Committee on Cocoa Products and Chocolate (CCPC) in its 28th session decided to remove the square brackets from the proposal to allow the use of up to 5% vegetable fat other than cocoa butter in chocolate and chocolate products. While considering the use of vegetable fat other than cocoa butter, several countries raised their concern about permitting up to 5% vegetable fat and mentioned that there is no method for analysis for ensuring compliance with the proposed 5% limit. There was also no consensus on the nature of vegetable fats, which could be used, and the proposed draft was advanced to Step 5 for the consideration of the Commission.

In this context India would like to point out that permitting the use of vegetable fats other than cocoa butter up to 5% would give rise to ambiguity and make it difficult for the implementing authorities to check misuse. By permitting use of vegetable fat, without description of the nature of the vegetable fats that can be used in the product, the possibility of using cheaper fats, palm oil or hydrogenated fat or even the inedible fats of plant origin like Sal seed, Shea, Kokum gurgi or Mango kernel can not be excluded. In India, the presence of "nickel" was detected in Chocolate, apparently through the use of hydrogenated vegetable fat.

It is also pointed out that during discussions in the last session, the difficulty in ensuring compliance of 5% vegetable fat was already brought to the notice of the Committee. In the absence of a reliable standardised method for "quantitative analysis" for determining edible fat in the presence of an admixture of edible vegetable fat and inedible vegetable fat or their blend used in the final product, it would not be possible for the regulating authorities to ensure compliance of the uses of only up to 5% vegetable fat, other than cocoa butter. There is thus a need to standardise a suitable, simple and reliable method which could be incorporated in the standards before permitting the use of vegetable fat other than cocoa butter in Chocolate and Chocolate products.

It may be noted from the discussion held during the 28th Sessions of the CCPC (para-49 to 55) of the Report (ALINORM 01/14) that there were divergent views on these issues and hence, the proposed Draft standards can not be adopted by CAC in this session.

India, therefore, strongly feels that the proposed Draft Standards should not be advanced to step 5 unless the concerns about possible use of inedible vegetable fats or undesirable vegetable fats or their admixtures is adequately addressed to ensure health safety and a reliable method of quantitative determination of vegetable fat(s) used in the final product is developed and reviewed by the CCMAS.

India would therefore recommend that the Draft standards be returned to Step 3 for further consideration, with the amendment that only one (and no admixture of fat) edible vegetable fat, established as "edible" by Codex may be considered for use in Chocolate and Chocolate products.

2.1 CHOCOLATE TYPES

Chocolate is the generic name for the homogenous products complying with the descriptions below and summarized in Table 1. It is obtained by an adequate manufacturing process from cocoa materials which may be combined with milk products, sugars and/or sweeteners, emulsifiers and/or flavours. Other edible foodstuffs, excluding added flour and starch (except for products in 2.4.3 of this Standard) and animal fats other than milk fat, may be added to form various chocolate products. These combined additions shall be limited to 40 % of the total weight of the finished product, subject to the labelling provisions under Section 6.

The addition of vegetable fats other than cocoa butter shall not exceed 5% of the finished product, after deduction of the total weight of any other added edible foodstuffs, without reducing the minimum contents of cocoa materials. Where required by the authorities having jurisdiction, the nature of the vegetable fats permitted for this purpose may be prescribed in applicable legislation.

☞ Malaysia: Malaysia is of the opinion that the use of vegetable fats should be based on functionality, versatility and characteristics of the fats and its suitability for applications in the manufacture of chocolate and chocolate products. Manufacturers should have the flexibility of choice to enable them to meet differing market requirements and climatic conditions.

Therefore, Malaysia would like to amend the second paragraph of Section 2.1 as follows:

The addition of vegetable fats other than cocoa butter shall not exceed 5% of the finished product, after deduction of the total weight of any other added edible foodstuffs, without reducing the minimum contents of cocoa materials. ~~Where required by the authorities having jurisdiction, the nature of the vegetable fats permitted for this purpose may be prescribed in applicable legislation.~~

2.1.1 Chocolate

Chocolate (or *bittersweet chocolate*, *semi-sweet chocolate*, or *dark chocolate*), shall contain, on a dry matter basis, not less than 35% total cocoa solids, of which not less than 18% shall be cocoa butter and not less than 14% fat-free cocoa solids.

2.1.2 Sweet Chocolate

Sweet Chocolate shall contain, on a dry matter basis, not less than 30% total cocoa solids, of which at least 18% shall be cocoa butter and at least 12% fat-free cocoa solids.

☞ Portugal: This product should have a different designation in order to avoid confusion with other types of chocolate.

☞ Spain: The term "Sweet Chocolate" that features in para 2.1.2. should be translated in Spanish as "Chocolate Familiar".

2.1.3 Couverture Chocolate

Couverture Chocolate shall contain, on a dry matter basis, not less than 35% total cocoa solids of which not less than 31% shall be cocoa butter and not less than 2.5% of fat-free cocoa solids.

☞ Brazil: **Item 2.1.3.** Chocolate Topping

It is suggested that the minimum cocoa butter level indicated for the " Chocolate Topping " be the same of the " Chocolate ", or else, 18% (item 2.1.1.).

Justification: the fat level should be determined by the climatic characteristics of the countries and in agreement with the use purpose of the product.

2.1.4 *Milk Chocolate types*

2.1.4.1 **Milk Chocolate**

Milk Chocolate shall contain, on a dry matter basis, not less than 25% cocoa solids (including a minimum of 2.5% fat-free cocoa solids) and a specified minimum of milk solids, referring to the addition of milk ingredients in their natural proportions except that milk fat may be added or removed, between 12% and 14% (including a minimum of milk fat between 2.5% and 3.5%) as applied by the authority having jurisdiction in accordance with applicable legislation.

Portugal: We propose to introduce minimum total fat (cocoa butter and milk fat) contents of 25%.

2.1.4.2 **Family Milk Chocolate**

Family Milk Chocolate shall contain, on a dry matter basis, not less than 20% cocoa solids (including a minimum of 2.5% fat-free cocoa solids) and not less than 20% milk solids, referring to the addition of milk ingredients in their natural proportions except that milk fat may be added or removed, (including a minimum of 5% milk fat).

Portugal: We propose to introduce minimum total fat (cocoa butter and milk fat) contents of 25%.

2.1.4.3 **Milk Couverture Chocolate**

Milk Couverture Chocolate shall contain, on a dry matter basis, not less than 25 % cocoa solids (including a minimum of 2.5% non-fat cocoa solids) and not less than 14% milk solids, referring to the addition of milk ingredients in their natural proportions except that milk fat may be added or removed, (including a minimum of 3.5% milk fat) and a total fat of not less than 31%.

2.1.5 *Cocoa Butter Confectionery / White Chocolate*

Cocoa Butter Confectionery / White Chocolate shall contain, on a dry matter basis, not less than 20% cocoa butter and not less than 14% milk solids, referring to the addition of milk ingredients in their natural proportions except that milk fat may be added or removed, (including a minimum milk fat in a range of 2.5% to 3.5% as applied by the authority having jurisdiction in accordance with applicable legislation).

Portugal: We propose to name this product only as “white chocolate”.

2.2 **VERMICELLI AND FLAKES (DROPS, SHAVINGS)**

Vermicelli and Flakes (Drops, Shavings) are cocoa products obtained by a mixing, extrusion and hardening technique which gives unique, crisp textural properties to the products. Vermicelli are presented in the form of short, cylindrical grains and flakes in the form of small flat pieces.

☞ **Caobisco:** Concerning the title of point 2.2., CAOBISCO would like to delete the words “drops and shavings” from the title. These words are not synonymous with “vermicelli” and these two products only represent chocolate forms which have no connection with vermicelli.

2.2.1 *Chocolate Vermicelli / Flakes (Drops, Shavings)*

Chocolate Vermicelli / Flakes (Drops, Shavings) shall contain, on a dry matter basis, not less than 32% total cocoa solids, of which at least 12% shall be cocoa butter and 14% fat-free cocoa solids.

2.2.2 *Milk Chocolate Vermicelli / Flakes (Drops, Shavings)*

Milk Chocolate Vermicelli / Flakes (Drops, Shavings) shall contain, on a dry matter basis, not less than 20% cocoa solids (including a minimum of 2.5% fat-free cocoa solids) and not less than 12% milk solids, referring to the addition of milk ingredients in their natural proportions except that milk fat may be added or removed, (including a minimum of 3% milk fat).

☞ **Portugal:** We propose for this product, a minimum milk fat of 3,5% and a minimum total fat content of 12%.

2.3 FILLED CHOCOLATE

Filled Chocolate is a product covered by a coating of one or more of the Chocolates defined in Section 2.1 or 2.4, with exception of chocolate a la taza, of this Standard, , the centre of which is clearly distinct through its composition from the external coating. Filled Chocolate does not include Flour Confectionery, Pastry, Biscuit or Ice Cream products. The chocolate part of the coating must make up at least 25% of the total weight of the product concerned.

If the centre part of the product is made up of a component or components for which a separate Codex Standard exists, then the component(s) must comply with this applicable standard.

2.4 OTHER CHOCOLATE PRODUCTS

Other chocolate products are the additional commercially available products that rely for their essential character either totally or extensively on cocoa materials.

2.4.1 *A Chocolate or Praline (“Bonbon de Chocolat” or “Praline”)*

A *Chocolate* or *Praline* designates the product in a single mouthful size, where the amount of the chocolate component shall not be less than 25% of the total weight of the product. The product shall consist of either filled chocolate or a single or combination of the chocolates as defined under Sections 2.1 and 2.4, with exception of *chocolate a la taza*.

2.4.2 *Gianduja Chocolates*

2.4.2.1 *Gianduja Chocolate (“Chocolat aux noisettes Gianduja”)*

Gianduja chocolate is the product obtained, firstly, from chocolate having a minimum total dry cocoa solids content of 32%, including a minimum dry non-fat cocoa solids content of 8%, and, secondly, from finely ground hazelnuts, in such quantities that 100 g of the product contain not less than 20 g of

hazelnuts.

2.4.2.2 Milk Gianduja Chocolate (“*Chocolat au lait et aux noisettes Gianduja*”)

Milk Gianduja Chocolate is the product obtained, firstly, from milk chocolate having a minimum dry milk solids, referring to the addition of milk ingredients in their natural proportions except that milk fat may be added or removed, content of 10% and, secondly, from finely ground hazelnuts such that 100 g of the product contain not less than 15 g of hazelnuts.

2.4.3 Chocolate a la taza

Chocolate a la taza is the product described under Section 2.1.1 of this Standard and containing a maximum of 8% m/m flour and/or starch.

Chocolate familiar a la taza is the product described under Section 2.1.2 of this Standard and containing a maximum of 18% m/m flour and/or starch.

TABLE 1 (1/2): SUMMARY TABLE OF COMPOSITIONAL REQUIREMENTS OF SECTION 2

(% calculated on the dry matter in the product and after deduction of the weight of the other edible foodstuffs authorized under Section 2.1)

CONSTITUENTS	Cocoa Butter	Fat-free Cocoa Solids	Total Cocoa Solids	Milk Fat	Total Milk Solids
PRODUCTS					
2.1 CHOCOLATE TYPES					
<i>2.1.1 Chocolate</i>	≥ 18	≥ 14	≥ 35		
<i>2.1.2 Sweet Chocolate</i>	≥ 18	≥ 12	≥ 30		
<i>2.1.3 Couverture Chocolate</i>	≥ 31	≥ 2.5	≥ 35		
<i>2.1.4 Milk Chocolate Types</i>					
<i>2.1.4.1 Milk Chocolate</i>		≥ 2.5	≥ 25	2.5-3.5	12-14
<i>2.1.4.2 Family Milk Chocolate</i>		≥ 2.5	≥ 20	≥ 5	≥ 20
<i>2.1.4.3 Milk Couverture Chocolate</i>		≥ 2.5	≥ 25	≥ 2.5	≥ 14
<i>2.1.5 Cocoa Butter Confectionery / White Chocolate</i>	≥ 20			2.5-3.5	≥ 14
2.2 VERMICELLI AND FLAKES (DROPS, SHAVINGS)					
<i>2.2.1 Chocolate Vermicelli/Flakes (Drops, Shavings)</i>	≥ 12	≥ 14	≥ 32		
<i>2.2.2 Milk Chocolate Vermicelli/Flakes (Drops, Shavings)</i>		≥ 2.5	≥ 20	≥ 3	≥ 12
2.3 FILLED CHOCOLATE (See Section 2.3)					

☞ **Caobisco** : Summary table p.40

There seems to be a = sign missing before the percentages of milk fat in milk chocolate and white chocolate, in the table on p.40 of the draft standard.

TABLE 1 (2/2): SUMMARY TABLE OF COMPOSITIONAL REQUIREMENTS OF SECTION 2

(% calculated on the dry matter in the product and after deduction of the weight of the other edible foodstuffs authorized under Section 2.1)

CONSTITUENTS	Cocoa Butter	Fat-free Cocoa Solids	Total Cocoa Solids	Milk Fat	Total Milk Solids
PRODUCTS					
2.4 OTHER CHOCOLATE PRODUCTS					
2.4.1 A Chocolate or Praline (See Section 2.4.1)					
2.4.2 Gianduja Chocolates					
2.4.2.1 Gianduja Chocolate (See Section 2.4.2.1)		≥ 8	≥ 32		
2.4.2.1 Milk Gianduja Chocolate (See Section 2.4.2.2)					≥ 10
2.4.3 Chocolate a la Taza					
2.4.3.1 Chocolate a la taza (See Section 2.4.3.1)					
2.4.3.2 Chocolate Familiar a la taza (See Section 2.4.3.2)					

USA: The United States of America recommends that a footnote to Table 1 be added for the Milk Chocolate Types referring to the addition of milk solids in their natural proportions. This would make the table consistent with the text.

3 FOOD ADDITIVES

Only those food additives listed below may be used and only within the limits specified.

Portugal: General Comments on Additives: This section should take into account the European Directives currently in force in respect of additives.

USA: We recommend that the Committee should accept any food additive listed in Table 3 of the General Standard for Food Additives (GSFA) for the product category. The Codex Alimentarius Commission decided to emphasize horizontal standards in its work. The Codex Committee on Food Additives and Contaminants has made great progress in developing a general standard that the Committee should utilize. This is especially important to this Committee as the Nineteenth Session should complete its current work and adjourn.

3.1 Alkalizing and neutralizing agents carried over as a result of processing cocoa materials in proportion to the maximum quantity as provided for.

3.2 ACIDITY REGULATORS

Maximum Level

503(i)	Ammonium carbonate	
527	Ammonium hydroxide	
503(ii)	Ammonium hydrogen carbonate	
170(i)	Calcium carbonate	
330	Citric acid	
504(i)	Magnesium carbonate	
528	Magnesium hydroxide	
530	Magnesium oxide	Limited by GMP
501(i)	Potassium carbonate	
525	Potassium hydroxide	
501(ii)	Potassium hydrogen carbonate	
500(i)	Sodium carbonate	
524	Sodium hydroxide	
500(ii)	Sodium hydrogen carbonate	
526	Calcium hydroxide	
338	Orthophosphoric acid	2.5 g/kg expressed as P ₂ O ₅ in finished cocoa and chocolate products
334	L-Tartaric acid	5 g/kg in finished cocoa and chocolate products

☞ **Poland:** the same comments as in point 3.2 Appendix III (In our opinion contain of cocoa butter in cocoa cake should be less than in cocoa mass because cocoa cake is the product obtained by partial or complete removal of fat from cocoa nib or cocoa mass) and moreover E320 is limited to not more than 5g/kg.

☞ **Spain:** In para 3.2. Acidity Regulators, for additives 503 i) to 526, inclusive, the maximum permitted level limited by GMP should be changed to 7% when these products are to be sold to the end consumer. Additive 338 should not be permitted for these products.

3.3 EMULSIFIERS		Maximum Level		Products
471	Mono- and di-glycerides of fatty acids			Products described under 2.1 to 2.4
322	Lecithins		GMP	" "
422	Glycerol			" "
442	Ammonium salts of phosphatidic acids	10 g/kg		" "
476	Polyglycerol esters interesterified ricinoleic acid	5 g/kg	15 g/kg	" "
491	Sorbitan monostearate	10 g/kg	in combination	" "
492	Sorbitan tristearate	10 g/kg		" "
435	Polyoxyethylene (20) sorbitan monostearate	10 g/kg		" "

☞ **Poland:** We do not accept using E 471, E323, E 422, E 442, E 476 and E 492 in combinations. We do not accept using E 491 and E 435 to these products.

☞ **Spain:** In para 3.3. Emulsifiers, we propose removing 435 as we do not consider its use to be justified.

3.4 FLAVOURING AGENTS		Maximum Level		Products
3.4.1	Natural flavours as defined in the Codex Alimentarius, and their synthetic equivalents, except those which would imitate natural chocolate or milk flavours ¹		GMP	Products described under 2.1 to 2.4
3.4.2	Vanillin		GMP	Products described under 2.1 to 2.4
3.4.3	Ethyl vanillin		GMP	Products described under 2.1 to 2.4

☞ **USA:** We further recommend that salt and spices be added to Section 3.4 on Flavoring Agents.

3.5 SWEETENERS				
950	Acesulfame K		500 mg/kg	Products described under 2.1 to 2.4
951	Aspartame		2 000 mg/kg	" "
952	Cyclamic acid and its Na and Ca salts		500 mg/kg	" "

¹ Temporarily endorsed

954	Saccharin and its Na and Ca salts	500 mg/kg	"	"
957	Thaumatococcus		"	"
420	Sorbitol		"	"
421	Mannitol		"	"
953	Isomalt	GMP	"	"
965	Maltitol		"	"
966	Lactitol		"	"
967	Xylitol		"	"
959	Neohesperidine dihydrochalcone	100 mg/kg	"	"

☞ **Poland:** The same comments as in point 4.5 App. IV: The Polish food legislation forbids using E 1200 to Cocoa mass.

☞ **Spain:** Para 3.5. should include the following subparagraphs:

For food products to which polyols have been added (from 956 to 960) in a proportion higher than 10 %: "excessive consumption may have a laxative effect".

For food products that contain aspartame: "contains a source of phenylalanine".

3.6 GLAZING AGENTS

Maximum Level

Products

414	Gum Arabic (Acacia gum)		Products described under 2.1 to 2.4
440	Pectin		" "
901	Beeswax, white and yellow	GMP	" "
902	Candelilla wax		" "
903	Carnauba wax		" "
904	Shellac		" "

3.7 ANTIOXIDANTS

Maximum Level

Products

304	Ascorbyl palmitate	200 mg/kg	Products described under 2.1.5. (White Chocolate)
319	Tertiary butylhydroquinone	200 mg/kg	"
320	Butylated hydroxyanisole	200 mg/kg	"
321	Butylated hydroxytoluene	200 mg/kg	"
310	Propylgallate	200 mg/kg	"
307	α -Tocopherol	750 mg/kg	"

☞ **Poland:** The Polish food legislation forbid using E 304, E 319, E 320, E 321, E 310 and E 307 to these products.

☞ **Spain:** Para 3.7. features antioxidants whose use should not be permitted for chocolates. They should only figure in application of the principle of transfer of added fats other than cocoa butter.

☞ **USA:** The maximum levels of antioxidants in White Chocolate in Section 3.7 should be defined in terms of mg/kg of fat.

3.8 COLOURS (for decoration purposes only)

Maximum Level

Products

175	Gold	GMP	Products described under 2.1 to 2.4
174	Silver	GMP	

3.9 BULKING AGENTS

1200 Polydextrose A and N

Maximum Level

GMP

Products

Products described under 2.1 to 2.4

☞ **Poland:** We do not permit to use E 1200.

☞ **Spain:** In para 3.9., we suggest that polydextrose (1200) be removed as we do not consider its use to be justified.

3.10 PROCESSING AID

Hexane (62°C - 82°C)

Maximum Level

1 mg/kg

4 CONTAMINANTS**Maximum Level****4.1** Arsenic (As)

0.5 mg/kg

4.2 Copper (Cu)

20 mg/kg

4.3 Lead (Pb)**1 mg/kg**

☞ **Poland:** The Polish national requirements for heavy metals in chocolate are:

Pb not more than 0.30 mg/kg.

Cd not more than 0.05 mg/kg.

Hg not more than 0.01 mg/kg

As not more than 0.20 mg/kg

Zn not more than 50.0 mg/kg

Cu not more than 20.0 mg/kg.

☞ **Spain:** Section 4. We request clarification over the inclusion of the contaminants arsenic and copper, as it was agreed in para 27 of ALINORM 99/14 that their maximum levels should be deleted.

5 HYGIENE

5.1 It is recommended that the products covered by the provisions of this standard be prepared and handled in accordance with the appropriate sections of the *Recommended International Code of Practice - General Principles of Food Hygiene - CAC/RCP 1-1969, Rev.3 - 1997*, and other Codes of Practice recommended by the Codex Alimentarius Commission which are relevant to these products.

5.2 To the extent possible in good manufacturing practice, the products shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination, the product :

- a) shall be free from microorganisms in amounts which may represent a hazard to health;
- b) shall be free from parasites which represent a hazard to health; and
- c) shall not contain any substance originating from microorganisms in amount which represent a hazard to health.

6 LABELLING

In addition to the *Codex General Standard for the Labelling of Prepackaged Foods* — CODEX STAN 1-1985 - Rev. 1-1991, the following declarations shall be made:

6.1 NAME OF THE FOOD

6.1.1 Products described under Sections 2.1 to 2.4 of this Standard and complying with the appropriate requirements of the relevant section shall be designated according to the name listed in Section 2 under subsequent section and subject to the provisions under Section 6 of this Standard. The name of the product may be described with “*bittersweet chocolate*”, “*semi-sweet chocolate*”, and “*dark chocolate*” as synonyms for *Chocolate*, as defined in Section 2.1.1,

☞ **Spain:** In para 6.1.1., and with regard to the English terms “bittersweet chocolate” and “dark chocolate”, we reserve our opinion until we have received the document in Spanish.

6.1.2 [If the amount of any edible foodstuff added in accordance with the Section 2.1 of this Standard is equal or higher than 5% m/m of the weight of the product, a reference to these foodstuff or foodstuffs shall be included in the designation of the chocolate.

When sugar is fully substituted with sweeteners, an appropriate declaration should be included in the designation of the chocolate.

Example: X chocolate sweetened with aspartame.]

The use of vegetable fats in addition to Cocoa butter in accordance with the provisions of Section 2.1 shall be indicated on the label in association with the name and/or the representation of the product. The authorities having jurisdiction may prescribe the specific manner in which this declaration shall be made.

☞ **Brazil:** Propose the exclusion of the text in parentheses.

Justification: the inclusion in the chocolate designation of the added nutritious genders, when these are the same or superior to 5% m/m of the product weight, is not foreseen for general food, therefore, it must not be used for the chocolate.

Exclude the name of the sweetener in the chocolate designation

Justification: the designation suggested for the product: chocolate sweetened with aspartame, in other words, for the chocolates which sugar was totally substituted by sweetener, can cause confusion with the Chocolates which use Complement Nutritional Information, considering the established requirements in CAC/GL 23-1997. There is no need to appear the name of the sweetener in the designation of the chocolate, due to the fact that the addictive must be declared in the list of ingredients.

☞ **Italy:** With the application of horizontal labelling standards for chocolate products, we question the need to retain this provision for all ingredients added in quantities equal to or higher than 5% m/m of the weight of the product.

With regard to vegetable fats, we suggest that a supplementary declaration mentioning the addition of vegetable fats other than cocoa butter be placed apart from, but close to, the list of ingredients. This will enable consumers to be clearly informed of the presence of vegetable fats other than cocoa butter.

As concerns the indication of sweeteners, we agree with the solution proposed by the Secretariat.

☞ **Malaysia:** Malaysia feels that the inclusion of vegetable fats other than cocoa butter in the List of Ingredients would in itself be sufficient to inform consumers that the products contain vegetable fats other than cocoa butter and this is in-line with the labelling requirement in the Codex General Standard

for the Labelling of Prepackaged Foods (CODEX STAN 1-1985 (Rev 3-1999)). Therefore, the additional labelling of vegetable fats indicated on the label in association with the name and/or the representation of the product, is unwarranted and should not be required.

In the context of Codex, additional labelling is for the purpose of warning consumers about materials or ingredients in the product that could cause “hypersensitivity” in some individuals. Therefore, additional labelling that indicates that the products contain vegetable fats other than cocoa butter may be similarly misconstrued as providing a warning to consumers.

Malaysia is of the opinion that the labelling provision as in the second paragraph of Section 6.1.2 is unwarranted and is not required. Therefore, Malaysia would like to propose that this section be amended, and to read as follows:

6.1.2 [If the amount of any edible foodstuff added in accordance with the Section 2.1 of this Standard is equal or higher than 5% m/m of the weight of the product, a reference to these foodstuff or foodstuffs shall be included in the designation of the chocolate.

When sugar is fully substituted with sweeteners, an appropriate declaration should be included in the designation of the chocolate.

Example: X chocolate sweetened with aspartame]

~~*The use of vegetable fats in addition to Cocoa butter in accordance with the provisions of Section 2.1 shall be indicated on the label in association with the name and/or the representation of the product. The authorities having jurisdiction may prescribe the specific manner in which this declaration shall be made.*~~

☞ **Spain:** In para 6.1.2., we propose deleting the first subparagraph so as not to establish the exception at 5%. In the last subparagraph, in the case of the addition of vegetable fats other than cocoa butter, we propose adding the statement: "contains vegetable fats in addition to cocoa butter".

☞ **USA:** The United States of America is concerned about the requirement in Section 6.1.2 that states that only edible foodstuff added at 5% m/m or higher be included in the designation of the chocolate. We hold that for any potential allergen, e.g. peanuts or other nuts, a reference to these foodstuffs should be included, even at levels much lower than 5%. Furthermore, characterizing ingredients should be reflected in the designation.

☞ **Caobisco:** Concerning point 6.1.2., CAOBISCO feels that this paragraph can be removed completely from the draft standard.

6.1.3 Cocoa Butter Confectionery / White Chocolate

Product described under Section 2.1.5 of this Standard and complying with the appropriate requirements of this Section shall be designated “Cocoa Butter Confectionery”. In those countries where the name “White Chocolate” is widely used, the use of this name is permitted.

6.1.4 Filled Chocolate

6.1.4.1 Products described under Section 2.3. shall be designated “X Filled Chocolate”, “Chocolate with X Filling” or “Chocolate with X centre” where “X” is descriptive of the nature of the filling.

6.1.4.2 The type of chocolate used in the external coating may be specified, whereby the designations used shall be the same as stated under Section 6.1.1 of this Standard.

6.1.4.3 An appropriate statement shall inform the consumer about the nature of the centre.

6.1.5 A Chocolate or Praline (Bonbon Chocolat or Praline)

Products in a single mouthful size described under Section 2.4.1 of this Standard shall be designated “A Chocolate” or “Praline”.

6.1.6 Assorted Chocolates

Where the products described under Section 2.1, 2.2, 2.3 or 2.4, with exception of chocolate a la taza, are sold in assortments, the product name may be replaced by the words “Assorted Chocolates” or “Assorted filled Chocolates”, “Assorted Vermicelli”, etc. In that case, there shall be a single list of ingredients for all the products in the assortment or alternatively lists of ingredients by products.

6.1.7 Other Information Required

6.1.7.1 Any characterizing flavour, other than chocolate flavour shall be in the designation of the product.

6.1.7.2 Ingredients which are especially aromatic and characterize the product shall form part of the name of the product (e.g. Mocca Chocolate).

6.1.8 [Use of the Term Chocolate

Products not defined under this Standard, and where the taste is derived from non-fat cocoa solids, can carry the term “chocolate” in their designations in accordance with custom and this to designate other products which cannot be confused with those defined in this Standard.]

☞ **Brazil:** Exclude the brackets and maintain the text.

☞ **Italy:** We do not agree with the bracketed text in the draft Codex standard.

In our opinion, the term "chocolate" can **only** be used in the labelling of a compound product (e.g. chocolate biscuit) if a chocolate product (including "chocolate powder") covered by the standard has been used.

The bulk of the chocolate market is made up of chocolate destined for use as an ingredient in other products.

Use of the term "chocolate" for products "...where the taste is derived from dry non-fat cocoa solids" is not only misleading for consumers, but is also extremely dangerous for the chocolate market and for the economy of cocoa-producing countries.

The adoption of such a definition would lead to the absurd situation where chocolate destined for use, for example, in a biscuit could be legitimately produced without respecting the minimum levels prescribed in the standard (e.g. 20% vegetable fats, 10% cocoa, etc.) and feature as "chocolate" in compound products.

☞ **Spain:** In para 6.1.8., we suggest removing the square brackets and keeping the text.

☞ **USA:** For Section 6.1.8 use of the term chocolate, the United States of America supports removal of the square brackets and a slight amendment to the wording:

"Products not defined under this Standard, and where the chocolate taste is derived solely from non-fat cocoa solids...".

☞ **Caobisco:** Concerning point 6.1.8. “Use of the term Chocolate”, CAOBISCO is in favour of removing the brackets and supports the paragraph as formulated in the draft standard.

6.2 [DECLARATION OF MINIMUM COCOA CONTENT

Products described under Section 2.1 of this Standard shall carry a declaration of cocoa solids except that governments of countries in which different names are used to differentiate the products may allow for no declaration. For the purpose of this declaration, the percentages declared shall be made after the deduction of the other permitted edible foodstuffs.]

☞ **Brazil:** Declaration of the minimum amount of cocoa

Exclude the brackets and maintain the text.

☞ **Italy:** Declaration of the Minimum Cocoa Content

It would be preferable to have one rule applying to all countries

☞ **Spain:** In para 6.2., Minimum Cocoa Content, the square brackets should be removed to keep the text.

☞ **Caobisco:** Concerning point 6.2. “declaration of the minimum cocoa content”, CAOBISCO is in favour of deleting these brackets and supports the paragraph as formulated in the draft standard.

6.3 [NET CONTENTS]

Small units of up to 50 g may be exempted from a declaration of net weight on the label.]

☞ **Brazil:** Liquid Content

Exclude this item.

Justification: this subject is already contemplated in the item 6 of the CODEX STAN 1-1985 (Rev. 2-1999). Improve the composition, because the term " up " is making more difficult the understanding of the sentence.

☞ **Spain:** We propose deleting para 6.3. in view of the provisions of the General Standard on Labelling.

☞ **Caobisco:** Concerning point 6.3.”net content”, CAOBISCO is in favour of deleting the brackets and supports the paragraph as formulated in the draft standard.

6.4 LABELLING OF NON-RETAIL CONTAINERS

Information required in Section 6 of this Standard and Section 4 of the Codex General Standard for the Labelling of Prepackaged Foods shall be given either on the container or in accompanying documents, except that the name of the product, lot identification, and the name and address of the manufacturer or packer shall appear on the container. However, lot identification, and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents.

7 METHODS OF ANALYSIS

7.1 DETERMINATION OF ARSENIC

According to AOAC 952.13 (Codex general method).

7.2 DETERMINATION OF CENTRE AND COATING IN COMPOSITE AND FILLED CHOCOLATE

All methods approved for the chocolate type used for the coating and those approved for the type of centre concerned.

7.3 DETERMINATION OF COCOA BUTTER

According to AOAC 963.15 or IOCCC 14-1972.

7.4 DETERMINATION OF COPPER

According to AOAC 971.20 (Codex general method) or AOAC 960.40 (Codex general method).

7.5 DETERMINATION OF FAT-FREE COCOA SOLID

According to AOAC 931.05.

7.6 DETERMINATION OF FAT-FREE MILK SOLIDS

According to IOCCC 17-1973 or AOAC 939.02.

7.7 DETERMINATION OF LEAD

According to AOAC 986.15 (Codex general method).

7.8 DETERMINATION OF MILK FAT

According to IOCCC 8i (1962) or AOAC 945.34, 925.41B, 920.80.

7.9 DETERMINATION OF MOISTURE

According to IOCCC 26-1988 or AOAC 977.04. (Karl Fischer method); or AOAC 931.04 or IOCCC 1-1952 (gravimetry).

Spain: In para 7.9. "...AOAC 977.04..." should read "...AOAC 977.10...".

7.10 DETERMINATION OF TOTAL FAT

According to AOAC 963.15.

7.11 DETERMINATION OF VEGETABLE FAT

To be developed.