Agenda Item 10(b)

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-fourth Session, International Conference Centre, Geneva, Switzerland
2-7 July 2001

CONSIDERATION OF STANDARDS AND RELATED TEXTS AT STEP 5

Proposed Draft Code Of Practice For Fish and Fishery Products (ALINORM 01/18, Appendix V)

MALAYSIA

INTRODUCTION

Malaysia is of the view that the optional use of DAP Analysis, as stated in the second paragraph of Section 5, should be emphasized in the Introduction. Therefore, Malaysia would like to propose the inclusion of the following text, as the last sentence in the third paragraph of the Introduction:

“However, Defect Action Point Analysis is optional.”

SECTION 2 DEFINITIONS

2.1 GENERAL DEFINITIONS

Malaysia would like the term Food Suitability be defined in line with the Recommended International Code of Practice, General Principles of Food Hygiene, CAC/RCP 1-1969, Rev.3 (1997). Therefore, the term food suitability should read as follows:

*Food suitability*  assurance that food is acceptable for human consumption according to its intended use.

Draft Code of Hygienic Practice for the Primary Production and Packing of Fresh Fruits (ALINORM 01/13A, Appendix II)

UNITED STATES OF AMERICA

The United States supports the adoption of this Draft Code at Step 5. The United States believes that the Code provides substantial valuable guidance information on the hygienic production of fresh fruits and vegetables, including ready-to-eat fresh pre-cut fruits and vegetables and sprouts. There is significant volume of

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international trade in many products covered under this Code with substantial economic impact both on exporting and importing countries. Many of the products covered under this code have the potential to be the vehicle for serious public health concerns; the availability of a Codex code of hygienic practice covering this product area will be important in helping countries to produce safe fruit and vegetable products.

**CANADA**

Canada supports the adoption of this Draft Code at Step 5. Many of the products covered under this code have the potential to be a vehicle for foodborne diseases as evidenced by the number of outbreaks in recent years. The Code provides valuable information on the hygienic production of fresh fruits and vegetables, including ready-to-eat fresh pre-cut fruits and vegetables and sprouts. There is significant international trade in many of the products covered under this Code. The availability of a Codex code of hygienic practice covering these commodities will be important in helping countries to produce safe fruit and vegetable products.

**Proposed Draft Standard for Chocolate and Chocolate Products (ALINORM 01/14, Appendix V)**

**POLAND**

**Point 3.2**

The same comments as in point 3.2 Appendix III and moreover E320 is limited to not more than 5g/kg

**Point 3.3**

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.

**Point 3.5**

The same comments as in point 4.5 App. IV

**Point 3.7**

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

**Point 3.9**

We do not permit to use E 1200.

**Point 4**

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.

**PORTUGAL**

**On Section 2. Descriptions and Essential Composition Factors**

**2.1.2 Sweet Chocolate**

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

**2.1.4.1 Milk chocolate and 2.1.4.2 Family Milk chocolate**

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

**2.1.5 “Cocoa Butter Confectionery/White Chocolate”**

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

**2.2.2 Milk chocolate vermiceli/Flakes**
We propose for this product, a minimum milk fat of 3.5% and a minimum total fat content of 12%.

**General Comments on Additives**

This section should take into account the European Directives currently in force in respect of additives.

**UNITED STATES OF AMERICA**

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. 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. We further recommend that salt and spices be added to Section 3.4 on Flavoring Agents. The maximum levels of antioxidants in White Chocolate in Section 3.7 should be defined in terms of mg/kg of fat.

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. 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..."

Finally, 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.

The United States of America appreciates the opportunity to comment on this Standard and looks forward to a fruitful meeting in Fribourg this October.

**SPAIN**

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

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.

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

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”.

Para 3.7. features antioxydants 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.

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

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.

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.

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".
In para 6.1.8., we suggest removing the square brackets and keeping the text.

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

We propose deleting para 6.3. in view of the provisions of the General Standard on Labelling.

In para 7.9. “…AOAC 977.04…” should read “…AOAC 977.10…”.

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.

MALAYSIA

2. DESCRIPTION AND ESSENTIAL COMPOSITION FACTORS

2.1 CHOCOLATE TYPES

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.

6. LABELLING

6.1 NAME OF THE FOOD

6.1.2 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 labeling 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 labeling is for the purpose of warning consumers about materials or ingredients in the product that could cause “hypersensitivity” in some individuals. Therefore, additional labeling 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.

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.

**Item 6.1.2.**
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.

**Item 6.1.8.** Use of the term chocolate
Exclude the brackets and maintain the text.

**Item 6.2.** Declaration of the minimum amount of cocoa
Exclude the brackets and maintain the text.

**Item 6.3.** 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.

Proposed Draft Guidelines for Food Import Control System (ALINORM 01/30A, Appendix IV)

**BOTSWANA**
We find the document to be useful and we have no further comments to make.

**CZECH REPUBLIC**

**Paragraph 9**
We suggest to change the word in the first sentence:
Legislation/regulation should provide the competent authorities with…..

All tasks below do not have to be carried out by one authority.

**Paragraph 9 – 7th bullet**
We suggest to change the 7th bullet point as follows:
• to use accredited laboratories for the examination of samples

The competence for accreditation of laboratories does not necessarily have to lay down on authority involved in imported food inspection.

**Paragraph 9 – 10th bullet**
We suggest to add the underlined text in the end of the bullet point:
or when in doubt about unsatisfactory consignments by the time the analysis is done.

Paragraph 10
We suggest to insert the bullet point (after the 3rd bullet) in underlined version:

- sealing of sample and its legal status in case of review of official action

Paragraph 12
We suggest to add the underlined text to 2nd sentence:

Importing countries can recognise the food safety controls and food quality controls of an exporting country .......

Within the recognition of controls of exporting country is suitable to focus not only on food safety controls, but also on food quality controls (right labeling, weight compliance ....)

Paragraph 21 – 2nd bullet
We suggest to add the underlined text:

- mode and conditions of transport

We consider necessary to mention also the conditions of transport.

Paragraph 40 – 2nd bullet
We suggest to add the underlined text in the end of the bullet point:

...and the way of their education and training.

MEXICO

Specific comments:

Paragraph 2. - This item should be revised to provide for the possibility of an importing country being able to reject goods that do not meet the regulations of the country of origin, when the importing country itself does not have a regulatory framework that stipulates the requirements that the product in question does not meet in the country of origin.

Also, countries without standards for certain products adopt a wide range of Codex Alimentarius specifications for imported food products as a stopgap measure, not for tangible sanitary or quality objectives but for protectionist reasons, a situation that needs to be constrained if the recommendation of equal treatment for domestic and imported foods is to be respected.

Paragraph 3. - This is not very clear and it would be worth defining what the term "relevant attributes" refers to.

The sentence which reads "... the extent and stringency of requirements applied in specific circumstances..." should be deleted as the concept "specific circumstances" could cause confusion and result in discretionary interpretation.

Paragraph 10. - Recognition of self-checking by importers in the importing country should include consideration and recognition of the control exercised by the exporting country, so that recognition is exercised in coordination with the competent authority of the exporting country. An additional bullet should therefore be inserted for recognition of the monitoring systems in the country of origin under the provisions of the legal framework of importing countries.

Paragraph 12. - The term "process" should be used at the beginning and "importation" deleted in the last sentence.

Paragraph 21. - The third bullet should include "country of provenance".

Paragraph 24. - It is important to specify that frequency of sampling, physical inspection and detention of shipments should be based on risk analysis or warranted concrete evidence on sanitary grounds, and not left to the discretion of the importing country.
There is doubt over whether the term "implementar" in Spanish is appropriate for the purposes of this document. This term is used in various paragraphs (13, 14, 15 and in their preceding titles). (Translator's note: the Spanish text in Appendix IV of Alinorm 01-30A uses "aplicar")

**Recommendation**

We recommend that the document go through the normal procedure to Step 5, as we consider that it has been substantially improved and widely discussed by countries in various sessions, with the inclusion of substantive improvements.

**Proposed Draft Standard for Fat Spreads and Blended Spreads (ALINORM 01/17, Appendix V)**

**NEW ZEALAND**

New Zealand is concerned that fat spreads and blended spreads may be misleadingly labelled in regard to their milk product content. We suggest that the labelling section (section 7) should include specific references to the General Standard for the Use of Dairy Terms (Codex Stan 206-1999) and to the Codex General Guidelines on Claims (CAC/GL 001-1979).