

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
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Agenda Item N°. 4(a)

CX/FL 12/40/4-Add.1

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD LABELLING

Fortieth Session  
Ottawa, Ontario, Canada, May 15 – 18 May 2012

**PROPOSED DRAFT REVISION OF THE *GUIDELINES FOR USE  
OF NUTRITION AND HEALTH CLAIMS (CAC/GL 13-1997)***  
*Additional conditions for nutrient content claims and comparative claims*

### COMMENTS AT STEP 3

#### COMMENTS FROM:

BRAZIL  
CANADA  
COSTA RICA  
NIGERIA  
USA  
ICBA  
IDF  
IFT

## BRAZIL

### (i) General Comments:

We would like to congratulate Canada on the work as a coordinator of the electronic working group on nutrition claims.

Brazil supports the proposed text for the non-addition claims of sugars, salt-free claims, free of trans fatty acids claims and comparative claims.

### (ii) Specific Comments:

Brazil supports the proposed definition of non-addition claims. However, we would like to suggest renumbering it to 2.1.3.

## Non-Addition Claims

### 2. Definitions

#### 2.1.2 *Nutrient comparative claim...*

~~[2.2 2.1.3 Non-addition claim means any claim that an ingredient has not been added to a food, either directly or indirectly, thereby implying that a specific nutrient has not been added to that food. The ingredient is one whose presence or addition is permitted in the food and which consumers would normally expect to find in the food.]~~

#### ~~[2.3 2.2] Health claim...~~

**Rationale:** Brazil understands that non-addition claims are covered by the definition of nutrition claims presented in section 2.1 of the Guidelines for Use of Nutrition and Health Claims. Thus, it should be numbered as a subset of nutrition claims, following the definitions of nutrient content claim and nutrient comparative claims. The definition of health claims would be kept as section 2.2.

Brazil supports the proposed option 1 for non-addition claims of salt and suggests excluding the alternate option 2.

#### ~~[7.2 Non-Addition of Salt~~

~~Claims regarding the non-addition of salt (sodium chloride) may be made provided the following conditions are met.~~

~~(a) The food contains no added sodium chloride;~~

~~(b) The food contains no ingredients that contain added sodium chloride; and~~

~~(c) The food meets the conditions of "low in sodium" claim as described in the Table to these Guidelines.]~~

**Rationale:** We understand that option 2 does not reflect adequately the principles for the non-addition of salt claims agreed by CCFL at its 39<sup>th</sup> session. Furthermore, option 2 would require the reconsideration of the proposed definition of non-addition claims.

## CANADA

Canada is supportive of the work to amend the *Guidelines for use of Nutrition and Health Claims* to add non-addition claims for sugars and salt; to update the text on comparative claims for further clarity in their application; and to add a claim for “trans fat-free”.

With respect to Non-Addition Claims:

- Canada is supportive of adding a definition for these claims to section 2 of the Guidelines to be consistent with the current structure of the guidelines. We are supportive of the definition proposed, which recognizes that while they are claims about the non-addition of an ingredient, they imply that a specific nutrient has not been added to the food.
- While it is not strictly necessary to do so, since a number of members have expressed confusion around what would be covered under sugars, Canada would not object to adding a definition of “sugars” either directly in these Guidelines or by reference to the *Guidelines on Nutrition Labelling*. This will help clarify what is covered by the term. Canada would prefer the fourth option presented in the final eWG paper: [2.3 The definition of sugars laid down in the Codex *Guidelines on Nutrition Labelling* applies.]
- Canada is supportive of the proposed conditions for claims regarding the non-addition of sugars.
- Canada is supportive of the proposed conditions for claims regarding the non-addition of salt covering all sources of sodium as provided for in Option 1.
- Canada supports the proposed text for salt-free claims.
- Canada is also supportive of including illustrative examples where deemed necessary to assist in further clarifying text or providing guidance to member countries.
- Canada notes that all of the definitions and conditions for these claims will need to be referred to CCNFSDU for their consideration and approval.

With respect to Comparative Claims:

- Canada is supportive of making the guidelines clearer through the proposed text.
- Canada is in agreement with the suggestion that comparative claims for saturated fats should also include a reference to not increasing the content of trans fats – we do not think it appropriate for saturated fats to be replaced with trans fats, as there is a negative health consequence to this action.
- Canada notes that the conditions for these claims will need to be referred to CCNFSDU for their consideration and approval.

Additional Issues Regarding Comparative Claims:

- Canada would not object to having CCFL request that CCNFSDU review the requirement for basing comparative claims for micronutrients on a difference of 10% of the NRV to ensure that this approach reflects current evidence-based guidance.

With respect to Trans Fatty Acids – Free Claims:

- Canada is supportive of the addition of Trans Fatty Acids – Free claims to the Table of Conditions for Nutrient Content Claims. A number of member countries have expressed the position that consumption of trans fatty acids are not an issue within their countries. However, setting conditions for these claims at Codex can provide countries wishing to allow these claims with a basis for them. The table is an open list of permitted claims that can be used by member countries. Nutrient content claims are generally voluntary in nature and manufacturers are not required to use them on food labels, or in advertising.
- Canada notes that as with the other types of claims under consideration in the eWG paper, the conditions for trans fat-free claims will need to be referred to CCNFSDU for their

consideration and approval. Canada believes that a discussion regarding the levels of TFAs per 100g or ml, as well as per serving, should be carefully considered within CCNFSDU to ensure that the approach is equally appropriate for foods that are consumed in small amounts.

#### Additional Issues Regarding Trans Fatty Acids

- Canada is supportive of requesting that CCMAS be requested to consider adding Type 1 methodology for trans fatty acid determination in foods, specifically AOAC 996.06. This should be referred to CCNFSDU for their consideration and referral to CCMAS, if agreed to.

### **COSTA RICA**

Costa Rica would like to express its thanks to the working group led by Canada. It would also like to present the following comments:

- Costa Rica supports placing the definition of non-addition claims between the definitions for comparative claim and for health claim, and also supports the changes indicated for the definition, such as it is shown on point 2.2.

**Justification:** The place chosen is in line with what has been established in document CAC/GL 1-1979, point 5.1(vi).

- Regarding point 7: Costa Rica proposes the elimination of the wording “for sugars and salt” and to leave the title as **“Non-addition Claims”**. It also proposes eliminating the following sentence: ~~may be used provided that the substance is one which consumers would normally expect to find in the food.~~ ]

**Justification:** The proposed change does not close this type of claims only to sugars and salt. In addition, regarding the deleted sentence, Costa Rica considers that the definition that would be included as point 2.2 already covers the indications that are given in that sentence.

- Costa Rica is in agreement with the text proposed under 7.1.
- Regarding Point 7.2, Costa Rica supports option 2,

**Justification:** Foods will have to comply with the requirement of being low in sodium.

- Costa Rica supports the text proposed under ~~items~~ 7.3, 5.2, 6.3, 6.4, 6.5 and 6.6.
- Costa Rica supports the proposal that the CCNFSDU should be the Committee to establish the values.

**Justification:** It allows discussion in the [CCNFSDU CGFL](#)

- Costa Rica supports the use of the declaration *0 g trans* as synonymous to *free* or *zero trans*, as long as it meets the same requirements established for that claim, without differentiating if the claim is qualitative or quantitative.
- Regarding the questioning of the requirement that at least 10% of the energy should come from saturated fatty acids, Costa Rica considers there is no justification for it as the CCNFSDU, during its November 2011 session, after an extensive discussion, agreed to establish a reference value for this nutrient based on this same criteria.

## **NIGERIA**

Nigeria commends the e – working group led by Canada for the Proposed draft revision of the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997): Additional conditions for nutrient content claims and comparative claim and to make the following comment

### **Paragraph 9**

Nigeria supports that the new section on non-addition claims be placed in a new Section 7

#### Justification:

This would allow for the sections dealing with the two types of (explicit) nutrition claims, i.e. nutrient content claims (Section 5) and comparative claims (Section 6), to be kept together within the *Guidelines*.

## **USA**

The U.S. would like to comment specifically on the Non-Addition Claims for “Salt.” We intend to provide additional comments at the 40<sup>th</sup> session of CCFL.

#### Non-Addition Claims for “Salt”

The U.S. supports CCFL consideration of truthful and nonmisleading claims about the ingredient salt that are applicable globally to helping consumers plan healthful diets. However, we have several concerns about the principles and proposed text for the non-addition of salt.

#### *Option 1:*

The US continues to have reservations about the limitations on the products for which this claim could be used. The U.S. notes that only products without the addition of any sodium salt could bear the claim; thus, it would appear more reflective of a nutrient content claim than an ingredient claim. However, it would not be as useful as a sodium content claim because a product bearing the claim could still contain substantial amounts of sodium. The inability to use sodium salts with functional attributes (e.g., sodium bicarbonate) would appear to be a barrier to reformulation in many food categories.

The header proposed for 7.2 (Non-Addition of Salt) is not consistent with the Codex standard for food-grade salt (STAN 150-1985), which defines salt as sodium chloride, nor with the nature of the criteria for this claim. Thus, it will be important for the Committee to address this inconsistency in evaluating proposed options.

#### *Option 2:*

Considering that the majority of sodium in the food supply is from sodium chloride, the U.S. continues to believe that a claim for the non-addition of the ingredient sodium chloride, with appropriate conditions and disclaimers, would be more useful in helping consumers reduce sodium in their diets and more effective in driving product reformulation to lower sodium content. This claim could be supported with the establishment of appropriate conditions and disclaimers. The development of this claim is consistent with the existing Codex standard for food-grade salt, which defines salt as sodium chloride, and supports the Global Strategy for Diet, Physical Activity, and Health.

#### Placement of Text.

The U.S. has a strong preference that these non-addition claims be separate from Nutrient Content Claims in Section 5. We believe it is logical for Comparative Claims to remain in Section 6 and for the non-addition claims to go in a new Section 7. We believe a table for the non-addition claims is not necessary because the conditions for using the non-addition claims are clearly described in the text of proposed Section 7 (similar to the Comparative Claims section) whereas the conditions for the many nutrient content claims are best organized in a table.

## ICBA

The International Council of Beverages Associations (ICBA) is an international nongovernmental organization that represents the interests of the worldwide nonalcoholic beverage industry. The members of ICBA operate in more than 200 countries and produce, distribute, and sell a variety of nonalcoholic beverages, including sparkling and still beverages such as soft drinks, juice-containing beverages, bottled waters, and ready-to-drink coffees and teas.

ICBA has been an active participant in the eWG considering the proposed draft revisions to the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-197): Additional conditions for nutrient content claims and comparative claims, and holds the following general positions:

1. ICBA supports new work to develop nutrient content and comparison claims related to added sugars and salt. While there is merit in considering conditions for the non-addition of trans-fatty acids (TFAs), TFAs are not typically part of the ingredients added to beverages and we will defer to others regarding the conditions for such claims.
2. In carrying out this new work, it is important to ensure that foods, food ingredients, and/or nutrients associated with added sugars and added salt are not singled out as being inherently “good” or “bad” for health. Rather, any discussions on nutrient quality must focus on the total amount of energy and nutrients consumed as part of a balanced and varied diet.

The following provides ICBA’s specific comments with respect to the text proposed in Appendix 3 of CX/FL 12/40/4:

Texts as proposed in CX/FL 12/40/4	ICBA Comments
<b>2. Definitions</b>	
<b>2.1.2 Nutrient comparative claim...</b>	
<p><u>[2.2 <b>Non-addition claim</b> means any claim that an ingredient has not been added to a food, either directly or indirectly, thereby implying that a specific nutrient has not been added to that food. The ingredient is one whose presence or addition is permitted in the food and which consumers would normally expect to find in the food.]</u></p>	<p>ICBA suggests that the definition for “non-addition claims” be shortened to avoid duplication with provisions that are stated elsewhere in the revisions. As such the last sentence should be deleted, based on its use in 7, with elements related to permitted use of an ingredient added to 7. Suggested revised definition:</p> <p><u>[2.2 <b>Non-addition claim</b> means any claim that an ingredient has not been added to a food, either directly or indirectly, thereby implying that a specific nutrient has not been added to that food. <del>The ingredient is one whose presence or addition is permitted in the food and which consumers would normally expect to find in the food.]</del></u></p>
	<p>It is ICBA’s opinion that reference to a definition of “sugars” should be included in the <i>Guidelines for Use of Nutrition and Health Claims</i>. To limit possible future amendments to this document, ICBA supports use of a</p>

	<p>cross-reference to the definition of sugars as currently stated in the <i>Guidelines on Nutrition Labeling</i> (CAC/GL 2-1985), e.g.</p> <p><b>[2.3 The definition of sugars laid down in the Codex Guidelines on Nutrition Labeling (CAC/GL 2-1985) applies.]</b></p>
<p>[2.3] Health claim...</p>	
<p><b><u>[7. Non-Addition Claims for Sugars and Salt</u></b></p> <p><u>Claims for the non-addition of sugars and/or salt may be used provided that the substance is one which consumers would normally expect to find in the food.]</u></p>	<p>ICBA suggests that this section be revised to incorporate reference to permitted use of an ingredient.</p> <p><b><u>[7. Non-Addition Claims for Sugars and Salt</u></b></p> <p><u>Claims for the non-addition of sugars and/or salt may be used provided that</u></p> <p><b><u>a) the ingredient is one whose presence is permitted in the food; and</u></b></p>
	<p><b><u>b) the substance is one which consumers would normally expect to find in the food.]</u></b></p>
<p><u>[7.1 Non-Addition of Sugars</u></p> <p><u>Claims regarding the non-addition of sugars to a food may be made provided the following conditions are met.</u></p> <p><u>(a) No sugars of any type have been added to the food (Examples: sucrose, glucose, honey, molasses, corn syrup, etc.);</u></p> <p><u>(b) The food contains no ingredients that contain sugars as an ingredient (Examples: jams, jellies, sweetened chocolate, sweetened fruit pieces, etc.);</u></p> <p><u>(c) The food contains no ingredients containing sugars that substitute for added sugars (Examples: non-reconstituted concentrated fruit juice, dried fruit paste, etc.); and</u></p> <p><u>(d) The sugars content of the food itself has not been increased above the amount contributed by the ingredients by some other means (Examples: the use of enzymes to hydrolyze starches to release sugars).]</u></p>	<p>ICBA agrees with the conditions that have been proposed and suggest that square brackets be removed and the text accepted.</p>
<p><b><u>Preferred Option 1:</u></b></p>	
<p>[7.2 Non-Addition of Salt</p> <p><u>Claims regarding the non-addition of salt to a food, including “no added salt”, may be made</u></p>	<p>ICBA supports option 1. The nutrient of public-health concern is “sodium” which can be found in a number of ingredients, including but not limited to sodium chloride.</p>

<p><u>provided the following conditions are met.</u></p> <p>(a) <u>The food contains no added sodium salts (Examples: sodium chloride, sodium tripolyphosphate, etc);</u></p> <p>(b) <u>The food contains no ingredients that contain added sodium salts (Examples: Worcestershire sau sauce, etc.) ; and</u></p> <p>(d) <u>The food contains no ingredients that contain sodium salts that substitute for added salt (sodium) (Examples: seaweed, depending on how it is used).]</u></p>	<p>ICBA suggests that “condiments” be deleted from the examples included in 7.2(b). “Condiment” is a term encompassing substances used to flavor or complement a food; such substances may or may not contain salt/sodium.</p> <p>ICBA points out a numbering inconsistency. 7.2(d) should be numbered as 7.2.(c).</p> <p>ICBA’s suggested proposed revision for this section:</p> <p>[7.2 Non-Addition of Salt</p> <p><u>Claims regarding the non-addition of salt to a food, including “no added salt”, may be made provided the following conditions are met.</u></p> <p>(a) <u>The food contains no added sodium salts (Examples: sodium chloride, sodium tripolyphosphate, etc);.</u></p> <p>(b) <u>The food contains no ingredients that contain added sodium salts (Examples: Worcestershire sauce, <del>condiments</del>, pickles, pepperoni, soya sauce, etc.); and</u></p> <p>(c) <u>The food contains no ingredients that contain sodium salts that substitute for added salt (sodium)</u></p>
<p><b>Alternate Option 2:</b></p>	
<p>[7.2 Non-Addition of Salt</p> <p><u>Claims regarding the non-addition of salt (sodium chloride) may be made provided the following conditions are met.</u></p> <p>(a) <u>The food contains no added sodium chloride;</u></p> <p>(b) <u>The food contains no ingredients that contain added sodium chloride;</u> <u>and</u></p> <p>(c) <u>The food meets the condition of “low in sodium” claim as described in the Table to these Guidelines.]</u></p>	<p>ICBA does not support Option 2, as sodium is found in multiple ingredients, not just sodium chloride (salt).</p>
<p><b>[8.] Health Claims</b></p>	
<p><b>Salt-Free Claims</b></p>	
<p><b>5. Nutrient Content Claims</b></p>	
<p>5.1 When a nutrient content claim that is listed in the Table to these Guidelines or a synonymous claim is made, the conditions specified in the Table for that claim should apply.</p>	<p>ICBA agrees that this is an important claim. However, it is an ingredient claim, which represents an implied nutrient content claim. ICBA suggests the following modification to align the state</p>



<p>[5.2 A claim to the effect that a food is free of salt can be made, provided the food meets the conditions for free of sodium listed in the Table to these Guidelines.]</p> <p>[5.3] Where a food is by its nature low in or free of the nutrient that is the subject of the claim, the term describing the level of the nutrient should not immediately precede the name of the food but should be in the form “a low (naming the nutrient food” or “a (naming the nutrient)-free food”...</p>	<p>ment in 5.2 with the definition for a “non-addition claim” as proposed in 2.2:</p> <p>[5.2 A claim to the effect that a food is free of salt, <b>which is an implied claim that the food is free of sodium</b>, can be made, provided the food meets the conditions for free of sodium listed in the Table to these Guidelines.]</p>
<p><b>Comparative Claims</b></p>	
<p>[6.3 The comparison for decreased or lower energy or nutrient content, including sodium, should be based on;</p> <p>a) a relative difference of at least 25% in the energy value or nutrient content, <del>except for micronutrients where a 10% difference in the NRV would be acceptable</del>, between the compared foods; and</p> <p>b) a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as “low” <del>or as a “source”</del> in the Table to these Guidelines.</p>	<p>ICBA agrees with these amendments. The square brackets should be removed and the text accepted.</p>
<p>6.4 In addition to the conditions set out in Section 6.3, the content of <u>trans fat</u> should not increase for foods carrying a comparison claim for <u>decreased or lower saturated fat content.</u>”</p>	<p>ICBA does not have a position on provisions related to TFAs.</p>
<p>6.5 The use of the word “light” <u>or a synonymous claim</u> should follow the <del>same criteria as listed in for “reduced”</del> Sections 6.3 of these Guidelines and include an indication of the characteristics which make the food “light”.</p>	<p>ICBA agrees with these provisions. The square brackets should be removed and the text accepted.</p>
<p>6.6 The comparison for increased or higher energy or nutrient content should be based on:</p> <p>a) a relative difference of at least 25% in the energy value or nutrient content, <u>except for micronutrients where a difference of 10% of the NRV would be acceptable</u>, between the compared foods; and</p> <p>b) other than for micronutrients, a <u>minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as “source” in the Table</u></p>	<p>ICBA agrees with these provisions. The square brackets should be removed and the text accepted.</p>

to these Guidelines.]			
<b>Trans Fatty Acids</b>			ICBA does not have a position on provisions related to TFAs.
Component	Claim	Conditions (not more than)	
Trans fatty acids	Free	<p>X g per 100g (solids)</p> <p>X g per 100ml (liquids) and/or</p> <p>X g per serving</p> <p>And</p> <p>the food must meet the conditions set for "low" in saturated fat in this Table.</p>	

**IDF**

The International Dairy Federation (IDF) appreciates the opportunity to comment on CX/FL 12/40/4 proposed draft revision of the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997): Additional conditions for nutrient content claims and comparative claim. The IDF would like to provide the following comments:

**2 Definitions**

2.1.2 Nutrient comparative claims

2.2 **Non-addition claim** means any claim that an ingredient has not been added to a food either directly or indirectly, thereby implying that a specific nutrient has not been added to that food. The ingredient is one whose presence or addition is permitted in the food and which consumers would expect to find in the food.

IDF supports the idea of having a definition for non-addition nutrition claims. We would like to suggest following changes to the proposed definition in order to create a link between the two sentences.

Our proposal is the following: [**Non-addition claim** means any claim that an ingredient has not been added to a food either directly or indirectly, ~~thereby~~ **hence** implying that a specific nutrient has not been added to that food. ~~T~~, the said ingredient is being one whose presence ~~or addition is permitted in the food and which~~ consumers would **normally** expect to find in **and whose addition is permitted in** the food in question.

**7 Non-Addition Claims for Sugars and Salt**

~~Claims for the non-addition of sugars an/or salt may be used provided that the substance is one which consumers would normally expect to find in the food~~

The definition in 2.2 provides clarity, so the additional text (7 Non Addition Claims for Sugars and Salt) is not required.

**7.2 Non Addition of Salt**

IDF supports **alternate option 2**.

In case this option 2 could not be agreed on, IDF could support option 1 provided that the wording “sodium salts” is replaced by “salt (sodium chloride)”, as proposed by the eWG in the alternate option 2.

Indeed, « Sodium salts » include food additives such as:

- Sodium alginate (INS 401 - texturizing)
- Vitamins: sodium ascorbate (INS 301), Riboflavine 5'-phosphate (sodium) (INS 101ii) (vitamine B2)
- Minerals: ferric sodium diphosphate, sodium iodide, sodium iodate, sodium fluoride, sodium molybdate
- Salts such as sodium citrate (INS 331iii), or sodium phosphate (INS 339i)
- Sodium hydroxide (INS 524 - acidity regulator)

The use of this kind of additives should not prevent the use of claims.

### **7.3 — ~~Additional Conditions~~**

~~Additional; conditions and/or disclaimer statements may be used with non-addition claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claims. These may be developed based on evidence of consumer use and understanding.~~

IDF does not support the inclusion of additional conditions as this is not in line with international harmonisation of standards. Other means of educating the consumer should be used to ensure labelling information is appropriately used and understood by the consumer.

If the additional conditions should stay, IDF strongly supports the inclusion of a reference to “social science research”, and insists on the necessity to include examples, as mentioned in the eWG report (CX/FL 12/40/4, § 12): “*there was still a desire to include practical examples to improve clarity and to facilitate understanding and interpretation of the conditions... this is already an approach used in the Guidelines for Use of Nutrition and Health Claims*”.

## **5 Nutrient Content Claims**

~~5.1 — A claim to the effect that a food is free of salt can be made, provided the food meets the conditions for free of sodium listed in the Table to these guidelines~~

Regarding the proposed conditions for a “free of salt” claim, IDF does not support subsection 5.1. which states that a claim to the effect that a food is free of salt can be made, provided the food meets the conditions for free of sodium listed in the Table to these guidelines. Healthy foods can contain small amounts of naturally occurring sodium but have no added salt. IDF therefore does not support the use of the “free of sodium” conditions for a “free of salt” claim and is of the opinion that a “free of salt” claim should refer to added salt (sodium chloride) only.

### **Proposed text for Comparative Claims**

~~6.3 The comparison for decreased or lower energy or nutrient content including sodium should be based on~~

~~a) a relative difference of at least 25% in the energy value or nutrient content except for micronutrients where a 10% difference in the NRV would be acceptable, between the compared foods: and~~

~~b) a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as “low” or as a ‘source in the Table to these Guidelines.~~

The proposed text for 6.3 should be in line with 6.6 and be “except for micronutrients where a 10% difference in the NRV would be acceptable, between the compared foods”, in the case where countries may wish to have a claim that refers to the decreased amount of a micronutrient. As sodium is a micro-nutrient, this would support recognition of reformulation initiatives to reduce added sodium to foods.

IDF would like to stress that reformulation of some foods requires far more time than others and that reductions usually need to be made in a stepwise manner to allow for consumers’ palates to adapt over time. In addition, there is only so far that technology can go to allow for salt reductions in certain foods such as cheese, as salting is an integral part of the process of making cheese and a key measure to control pathogenic organisms. As a result, a target of 25% reduction in order to make a claim may offer little if any incentive for cheese makers to reduce the total salt content in their products. Allowing for claims to be made on smaller percent reductions, provided that these reductions are nutritionally relevant, would however provide some incentives.

*6.4 In addition to the conditions set out in Section 6.3, the content of trans fat should not increase for foods carrying a comparison claim for decreased or lower saturated fat content.”*

Unlike other products, milk and milk products have limited ways to improve fatty acids profile, but are recognized as an important component of a healthy diet.

The global dairy industry is currently working on the improvement of milk fatty acids profile, in particular through animal feeding. Such projects aim to naturally reduce saturated fatty acids. Scientific studies have shown that a reduction of saturated fatty acids in milk lead to an increased level of unsaturated fatty acids, and therefore of ruminant trans fatty acids (even though it is a very small increase), naturally present in milk.

These initiatives are useless if the industry cannot promote them to consumers. In this regard, IDF is of the opinion that section 6.4 should be deleted. If not, a distinction between ruminant trans fatty acids and industrial-sourced fatty acids should be made in the text.

Regarding sections 6.3 and 6.6, IDF questions the use of the words “lower” and “higher”. These terms are used to address comparison for similar or substitute foods (e.g.: banana versus apples, or chicken versus tofu). IDF is of the opinion that a specific food cannot be replaced by another. Allowing this kind of claim could lead to modify the global diet, without any evaluation of the consequences.

Moreover, this would not be in line with the WHO Global strategy objectives, aiming to encourage product(s) reformulation.

### **Proposed text for the Trans Fatty Acid Claims**

The proposed Trans fatty acid claims guidelines are not supported by the dairy industry. It is strongly recommended that any consideration of claims related to Trans fatty acids be reconsidered in the context of reduction of *trans fatty acids from hydrogenated oils and fats*. **However any conditions that are set for Trans Fatty Acid Free Claims should consider that amounts that are deemed to be physiologically in-significant are permissible to be present.**

The WHO *Global Strategy on Diet, Physical Activity and Health background documents* refers to *hydrogenated oils and fats when considering trans fats intake in the context of cardiovascular health. Thus the ingredients of concern are ‘trans fat containing hydrogenated oils’ (‘To promote cardiovascular health, diets should contain very low levels of trans fatty acids (hydrogenated oils and fats’)*.<sup>1</sup> The same background document also recognises that not all Trans fats have the same cardiovascular risk, as does the FAO/WHO Joint Expert Consultation on Fats and Fatty Acids in Human Nutrition 2008<sup>2</sup> report, hence the focus on reducing trans fats from hydrogenated oils and fats in the diet. There is also significant scientific evidence to support that fat content of a food

1 Diet, nutrition and the prevention of chronic diseases. Report of the joint WHO/FAO expert consultation. WHO Technical Report Series, No. 916 (TRS 916)

2 [http://www.who.int/nutrition/topics/FFA\\_human\\_nutrition/en/index.html](http://www.who.int/nutrition/topics/FFA_human_nutrition/en/index.html)

cannot be considered in isolation but rather the effect of the food in its entirety is more important when considering cardiovascular risk.<sup>3</sup>

Industrial-sourced TFA (iTFA) and ruminant TFA (rTFA) differ greatly in their isomer distribution, stereochemistry, physical property as well as their prevalence in food sources and individual contributions to dietary intake.<sup>4</sup> Cumulative epidemiological evidence has suggested the positive associated with iTFA intake and CHD incidence and major CVD risk factors.<sup>5</sup> On the contrary, **no adverse health events were observed at habitual rTFA consumption levels**<sup>6</sup>, which strongly support the notion that natural ruminant Trans fat have very different bioactive potential compared to industrial Trans fat.

Dairy products high in rTFA may have potential health benefits

Trans-11 18:1 (vaccenic acid, VA) and cis-9, trans-11 18:2 (conjugated linoleic acid, CLA) are two of the major ruminant trans fatty acids. The health benefit of the ruminant CLA, ruminic acid has been recognized by WHO/FAO and dairy products are considered the major food source for CLA.<sup>7</sup> Emerging evidence suggests that VA may have an independent lipid-lowering benefit at 1-2% energy (Wang Y, 2012), implying that full-fat dairy products high in both VA and ruminic acid may have potential health benefits. However, this amount does not comply with the current maximal recommended TFA intake (<1% E).

Also the recently reported association of trans-palmitoleic acid (a specific trans fat present in milk fat) with decreased risk for diabetes type 2<sup>8</sup> merits further investigation and shows that advice to limit trans fat intake regardless of type and source should be approached with caution.

Should this condition be maintained by the eWG, and based on previous elements, IDF proposes the following changes:

Component	Claim	Conditions (not more than)
<b>Industrially produced</b> Trans fatty acids	Free	X g per 100 g (solids) X g per 100 ml (liquids) and/or X g per serving and, the food must meet the conditions set for "low" in saturated fat in this Table.

## IFT

<sup>3</sup> Astrup A et al., (2011) (authors include Walter Willett along with Australia's Paul Nestel and Andy Sinclair) The role of reducing intakes of saturated fat in the prevention of cardiovascular disease: where does the evidence stand in 2010? *American Journal of Clinical Nutrition* (published on line January 2011). Elwood PC et al., (2010) The consumption of milk and dairy foods and the incidence of vascular disease and diabetes: an overview of the evidence. *Lipids* 45, 925-30. Gibson RA et al., (2009) The effects of dairy foods on CHD: a systematic review of prospective cohort studies. *British Journal of Nutrition* 102, 1267-1275; Lorenzen J K & Astrup A (2011) Dairy calcium intake modifies responsiveness of fat metabolism and blood lipids to a high-fat diet. *British Journal of Nutrition* (published on line February 2011). Ramsden CE et al., (2010) n-6 fatty acid-specific and mixed polyunsaturated dietary interventions have different effects on CHD risk: a meta-analysis of randomised controlled trials. *British Journal of Nutrition* 104, 1586-1600. See also accompanying commentary by Philip Calder (1575-6); Soedamah-Muthu SS et al., (2011) Milk and dairy consumption and incidence of cardiovascular diseases and all-cause mortality: dose-response meta-analysis of prospective cohort studies. *American Journal of Clinical Nutrition* 93, 158-71.

<sup>4</sup>Gebauer SK, C. J. (2011). Effects of Ruminant trans Fatty Acids on Cardiovascular Disease and Cancer: A Comprehensive Review of Epidemiological, Clinical, and Mechanistic Studies. *Adv Nutr*, 2(4):332-54.

<sup>5</sup> Mozaffarian D, A. A. (2009). Health effects of trans-fatty acids: experimental and observational evidence. *Eur J Clin Nutr.*, 63 Suppl 2:S5-21. Mozaffarian D, A. A. (2009). Health effects of trans-fatty acids: experimental and observational evidence. *Eur J Clin Nutr.*, 63 Suppl 2:S5-21.

<sup>6</sup> German JB, G. R. (2009). A reappraisal of the impact of dairy foods and milk fat on cardiovascular disease risk. *Eur J Nutr.*, 48(4):191-203; Wang Y, J.-S. M. (2012). The role of ruminant trans fat as a potential nutraceutical in the prevention of cardiovascular disease. *Food Research International*, 46:9; Lamarche B. (2008). Review of the effect of dairy products on non-lipid risk factors for cardiovascular disease. *J Am Coll Nutr*, 27(6):741S-6S; van Meijl LE, V. R. (2008). Dairy product consumption and the metabolic syndrome. *Nutr Res Rev.*, 21(2):148-57.

<sup>7</sup> Fats and fatty acids in human nutrition. Proceedings of the Joint FAO/WHO Expert Consultation. November 10-14, 2008. Geneva, Switzerland. (2009). *Ann Nutr Metab.*, 55(1-3):5-300.

<sup>8</sup> Mozaffarian D, C. H. (2010). Trans-palmitoleic acid, metabolic risk factors, and new-onset diabetes in U.S. adults: a cohort study. *Ann Intern Med.*, 21;153(12):790-9.

The Institute of Food Technologists (IFT) exists to advance the science of food. Our long-range vision is to ensure a safe and abundant food supply contributing to healthier people everywhere. Founded in 1939, IFT is a nonprofit scientific society with individual members working in food science, food technology, and related professions in industry, academia, and government. As an international non-governmental organization with Observer Status within the Codex Alimentarius Commission, IFT appreciates the opportunity to actively participate in the Codex process as it is an important means to our mutual aims.

IFT commends Canada on its work and leadership in preparing these proposed draft revisions to the *Guidelines for Use of Nutrition and Health Claims*. IFT appreciates the opportunity to provide comments on these draft proposals.

**Definitions:**

**2.1.2. Non-Addition Claim**

IFT supports the consideration of non-addition claims for ingredients; however, IFT does not concur that a claim for the non-addition of an ingredient always implies that a specific nutrient has not been added to the food. Thus, IFT would propose amendment of the proposed definition to delete the phrase "thereby implying that a specific nutrient has not been added to that food", so the definition reads as follows:

2.2 Non-addition claim means any claim that an ingredient has not been added to a food, either directly or indirectly. The ingredient is one whose presence or addition is permitted in the food and which consumers would normally expect to find in the food.

**Non-Addition Claim for Salt**

IFT prefers Alternate Option 2 for Section 7.2 Non-Addition of Salt. IFT believes that Option 1 is not a non-addition claim for salt (an ingredient), but a non-addition claim for sodium (a nutrient). Option 2 is a non-addition claim for salt (sodium chloride).

IFT does not support the condition in 7.2(c) in Option 2 that the food must meet the condition of the "low in sodium" claim. A food without added sodium chloride may contain sodium that is naturally occurring, required in the manufacturing process, or from the addition of food additives that are necessary to the formulation of the food. A descriptive statement about the sodium level may be more appropriate.

The purpose of the non-addition of salt claim is to inform the consumer that no salt has been added to the food; thus, the food would have less salt, and therefore less sodium, than a corresponding food with added salt. This would help consumers work toward the recommendation of the WHO Global Strategy to limit salt (sodium) consumption.