

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 5

CX/MMP 04/6/10 – Add 1

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON MILK AND MILK PRODUCTS

Sixth Session

Auckland, New Zealand, 26 – 30 April 2004

SPECIFIC FOOD ADDITIVE LISTING FOR THE CODEX STANDARD FOR FERMENTED MILK PRODUCTS

COMMENTS

Comments from: Australia, Canada, Japan, Mexico, Switzerland, Uruguay and United States

AUSTRALIA

Australia supports recommendations made in CX/MMP 04/6/10, page 8.

CANADA

Canada is of the opinion that the table of additives in fermented milks should not be forwarded to CCFAC as the table requires further review to ensure that the additives are actually in use by the world's fermented milk manufacturers. Once their use has been confirmed, the maximum use levels need to be set for fermented milk products.

JAPAN

We would like to propose the following food additives to be listed in attachment 1.

Additive Class	INS No.	Additive Name
Colours	160a(i)	β-Carotene, Synthetic
Colours	162	Beet Red
Sweeteners	965	Maltitol (incl. Maltitol Syrup)
Sweeteners	966	Lactitol
Emulsifiers	322	Lecithin
Emulsifiers	472a	Acetic and Fatty Acid Esters of Glycerol
Emulsifiers	427g	Succinylated Monoglycerides
Acidity regulators	331(iii)	Trisodium Citrate
Acidity regulators	500(i)	Sodium carbonate
Acidity regulators	500(ii)	Sodium hydrogen carbonate
Acidity regulators	501(i)	Potassium carbonate

These food additives are approved for use in food under the law of Japan. We believe they would be useful in developing of new fermented milk products.

MEXICO

For each of the proposed additives, the technical justification for its use should be provided and the list should be limited to the following products:

Fermented milks, heat-treated stabilisers, thickeners.

Fermented milks, acidified "acidifiers".

Fermented milks, flavoured stabilisers, thickeners, flavourings and colours.

Given that they have a very low ADI and can be replaced by other additives, it is suggested that the following additives be eliminated..

INS	Function	Additive name
128	Colour	Red 2G
480	Emulsifier	Diocetyl Sodium Sulfosuccinate
480	Stabiliser	Diocetyl Sodium Sulfosuccinate
480	Thickener	Diocetyl Sodium Sulfosuccinate
123	Colour	Amaranth
151	Colour	Brillant black PM
155	Colour	Brown HT
161	Colour	Canthaxanthin

With regard to preservatives, it is important to consider that Benzoates are widely used in various types of blended foodstuffs with a low ADI, so it is suggested that the following be eliminated from the list:

INS	Additive name
214	Ethyl p-Hydroxybenzoate
216	Propyl p-Hydroxybenzoate
218	Methyl p-Hydroxybenzoate

It is suggested that for those additives with several functions, the Maximum Cumulative Limit in the product be clarified, as it is not clear whether the limit indicated in the table is for the function or for the additive, irrespective of the functions it is carrying out.

SWITZERLAND

Switzerland welcomes the opportunity to submit comments on the above-mentioned Agenda Item.

General remarks

First of all, Switzerland would like to express its concern on the approach taken, which consists in the listing of all food additives mentioned in the General Standard for Food Additives (GSFA) for all types of fermented milk products regardless of the technological justification for the use of the various food additives in the particular fermented milk products. Switzerland does not agree with this procedure and believes that this is not the correct way of assigning food additives.

Indeed, there are enormous discrepancies between the food additive recommendations found in the Codex Standard for Fermented Milk Products and the food additives listed in the draft GSFA. An example of this inconsistency is the fact that the Fermented Milks Standard does not permit the use of colours and sweeteners in plain fermented milks, whereas the GSFA allows the use of several sweeteners and two caramel colours in the food category of plain fermented milks (Table 2, Draft GSFA, FCS 01.2.1 and FCS 01.2.1.2). The same inconsistency between the GSFA food additives and the food additives foreseen for plain fermented milks exists regarding the functional classes of Emulsifiers, Acidity Regulators and Packaging Gases.

Switzerland would like to refer to the Codex Alimentarius, Volume 1A – 1999, Section 5 – Food Additives, Preamble to the General Standard for Food Additives, CODEX STAN 192-1995 (rev. 2-1999), and recalls the fact that the allocation of food additives in the GSFA is based on the Food Category System. “The Food Category System (FCS) is a tool for the allocation of food additives uses authorised by the GSFA. The FCS applies to all foodstuffs including those in which no additives are permitted. The FCS is based on the following principles:

- (a) The Food Category System is hierarchical, meaning that when the use of an additive is permitted in a general category, it is automatically permitted in all its sub-categories, unless otherwise stated. Similarly, when an additive is permitted in a sub-category, its use is also allowed in any further sub-categories and in descriptors or individual foodstuffs mentioned in a sub-category.
- (b) The Food Category System is based on product descriptors of foodstuffs as marketed, unless otherwise stated.”

The above information clearly indicates that the individual food categories do not necessarily correspond to commodity standards and that the allocation of food additives is hierarchical, which means that any food additive permitted in a general category is automatically permitted in the following subcategories regardless of whether it is technologically justified or not. Therefore, Switzerland believes that it would not at all be appropriate to automatically base the list of food additives on the current draft GSFA, especially bearing in mind the inconsistencies which were highlighted in the 2nd paragraph of our General remarks.

Switzerland welcomes the proposal of having a table in the Standard, which gives an overview of the functional classes considered to be technologically necessary for the production of fermented milks. However, we are of the opinion that this table should not replace the individual listing of the permitted food additives. All food additives listed, need to be technologically justified. We wish to recall the Section on Food Additives in the Format for Codex Commodity Standards (Procedural Manual, 13th Edition), which states that “this section should contain the names of the additives permitted and, where appropriate, the maximum amount permitted in the food.”

It is further stated that “the Standard should include a tabulation with the “Name of the additive, its maximum level (in percentage or mg/kg)”. Therefore, tables which simply indicate the functional additive classes which are technologically justified can only be considered as additional information. Furthermore, we would like to recall that the Codex Procedural Manual (13th Edition) foresees in the Section on Relations between Commodity Committees and General Committees, Food Additives and Contaminants that “Codex Committees should prepare a section on food additives in each draft standard and this section should contain all the provisions in the standard relating to food additives. This section should include the names of those additives which are considered to be technologically necessary or which are widely permitted for use in the food within maximum levels where appropriate. It is further stated that ***“All provisions in respect of food additives will require to be endorsed by the Codex Committee on Food additives and Contaminants, on the basis of technological justification submitted by the commodity committees and ...”*** We clearly note that the commodity committee has the prime responsibility of establishing a list of technologically justified food additives and their maximum levels of use, and that this list should be forwarded to the CCFAC for endorsement.

Switzerland does not agree with the first recommendation which proposes that the “revised IDF table of additives in fermented milks (attached) be forwarded to CCFAC clearly identified as being based on prima facie evidence of technological need;” Switzerland believes that the proposed list is too exhaustive and it needs to be carefully reviewed (see also specific remarks) based on the technological justification for the various food additives.

We are of the opinion that the assignment of food additives in fermented milks should be consistent with the Codex objectives of consumer protection from the point of view of health and fraudulent practices and ensuring fair practices in the food trade.

Specific remarks

Switzerland proposes that an explanation be inserted in the standard, stating that:

“In the case of food additives with different technological functions, the total amount used in the product may not exceed the assigned maximum use level. Furthermore, such additives should be mentioned in the standard only once (i.e. primary function)”.

In the column for "Plain Fermented Milks", there is an asterisk (*) in the Stabilisers and Thickeners functional classes (pages 20 and 25) but the correct explanation "Use is restricted to reconstitution and recombination and if permitted by national legislation in the country of sale to the final consumer" is missing as found in Section 4 – Food Additives, of the document currently under review (CX/MMP 04/6/10, page 3). Switzerland would like to propose that this explanation be inserted in order to complete the given information.

As we were studying the list of additives, we noticed that the amount of additives permitted had extremely increased and that many additives had been mentioned under a wrong functional class heading or even worse, additives were assigned to a functional class they do not belong to (additive for flour treatment listed as emulsifier, acidity regulator listed as flavour enhancer, etc.). Switzerland is of the view that some of these functional classes are not considered to be necessary for the production of fermented milks.

Switzerland would like to question the use of preservatives in "Fermented milks heat treated after fermentation". We therefore propose the deletion of the functional class "preservatives" as well as the deletion of all the food additives listed in that functional class.

Switzerland would like to propose the deletion of the following Colours:

<u>INS No.</u>	<u>Colour</u>
102:	Tartrazine
110	Sunset Yellow FCF
122	Azorubine
123	Amaranth
124	Ponceau 4R
128	Red 2G
151	Brilliant Black
155	Brown HT
161g	Canthaxantin

We thank you for considering our comments.

URUGUAY

- a) We agree with the comments of Spain and United States, which confirm the position of Uruguay, that the use of preservatives in heat treated fermented milks is not technologically justified.
- b) Uruguay supports the recommendations of the drafting group.
- c) The following additives, which are not listed in the document, are authorized in Uruguay and in the MERCOSUR:

INS 162	Beet red
INS 140i – 142 I	Chlorophyll
INS 131	Patent blue V

UNITED STATES

The U.S. supports the horizontal approach in the development of milk and milk product standards whenever possible. The Codex Alimentarius Commission's Procedural Manual recognizes this approach and only allows for deviations from horizontal standards when those deviations are fully justified and supported by available scientific evidence and other relevant information. This includes the food additive and contaminant provisions developed by the Codex Committee on Food Additives and Contaminants, the hygiene provisions developed by the Codex Committee on Food Hygiene, and the labeling provisions established by the Codex Committee on Food Labeling. The U.S. recommends that milk and milk product standards reference the work of these groups to identify additive, contaminant, hygiene and labeling provisions within the standards whenever possible rather than duplicate their work within milk and milk products standards.

The U.S. supports the identification of food additive classes in the standards and recommends that the standards not list additives individually, but rather defer to CCFAC to identify the specific additive provisions included within the classes provided in the standards.

- The U.S. believes that the concept of “prima facie evidence of technological need” based on the approach taken by the CCFAC in developing the GSFA is being inappropriately applied and does not believe that the CCMMP should adopt the position that by virtue of its appearance on the list that “prima facie evidence of technological need” has been established for any given additive. The approach taken by CCFAC has been to assume that if a country reports the use of an additive in a particular food category, this is prima facie evidence of technological need. If a country does not agree that the use of the additive in that particular food category is technologically needed, then there is a process for resolving whether the use is actually necessary. The approach taken by CCFAC does not mean that any proposed use of an additive is automatically accepted.
- The U.S. does not agree that the drafting group discussion relative to the list should be confined to colors. The U.S. feels that the drafting group should look at the technological necessity of the additives.
- The U.S. feels that the CCMMP should focus on food additives that perform the technological effects agreed to by the 5th Session of the CCMMP and if necessary their maximum use levels.
- The U.S. feels that it is important for the functional use of the additives listed to be consistent with the functional uses assigned in the INS standard.
- The U.S. suggests that food additives with multifunctions be listed once, along with their functional uses and permissible level(s).

Acidity Regulators

The U.S. does not feel that sulfites are justified for use as acidity regulators. The functional uses assigned to these additives in the INS standard are preservatives, antibrowning and antioxidants.

Stabilizers

The U.S. does not feel that sorbic acid and sorbates are justified for their use as stabilizers. Their functional uses according to the INS standard are primarily as preservatives.

Colors

The U.S. would like to provide the following information for consideration by the Committee.

The U.S. notes that the following food colors require certification by the U.S. Food and Drug Administration. The use of non-certified colors in foods is a violation under U.S. law.

INS No.	Color	FD&C Certification No.
102	Tartrazine	FD& C Yellow No. 5
110	Sunset Yellow FCF	FD&C Yellow No. 6
127	Erythrosine	FD&C Red No. 3
129	Allura Red	FD&C Red No. 40
132	Indigotine	FD& C Blue No.2
133	Brilliant Blue FCF	FD&C Blue No. 1
143	Fast Green FCF	FD&C Green No. 3

The U.S. also notes that the following colors are unapproved for use in foods sold in the U.S. Foods containing these colors are deemed adulterated when sold in the U.S.

INS No.	Color
104	Quinoline Yellow
122	Azorubine
123	Amaranth
124	Ponceau 4R
128	Red 2G
151	Brilliant Black PN
172i	Iron Oxide

INS No.	Color
172ii	Iron Oxide
172iii	Iron Oxide
181	Tannic Acid

In the U.S. the above colors are considered to have public health safety concerns. We note that the 35th Session of Joint FAO/WHO Expert Committee on Food Additives (JECFA, 1989) assigned an acceptable daily intake (ADI) “Not Specified” for the use of tannic acid as a “filtering aid where the application of good manufacturing practice ensures that it is removed from food after use.”

Sweeteners

The U.S. feels that the use of cyclamates is not technologically justified based on unresolved safety concerns. The U.S. notes that the sweetener list may be incomplete.

Emulsifiers

The U.S. notes that the additive class entitled “emulsifiers” contains emulsifying salts which are not the same as emulsifiers. The U.S. also notes that this category contains several compounds whose functional uses as listed in the INS standard are not considered emulsifiers.

Preservatives

The U.S. feels that the use of preservatives in products which have undergone a bactericidal heat treatment is not technologically justified. The U.S. notes that the preservative list appears to be incomplete as it does not contain some of the preservatives listed as either acidity regulators or stabilizers.

Flavor Enhancers

The U.S. notes that the flavor enhancer list appears to be incomplete. There does not appear to be any ketones listed.