

codex alimentarius commission



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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON MILK AND MILK PRODUCTS

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DISCUSSION PAPER ON THE ELABORATION OF AN ANNEX TO CODEX GENERAL STANDARD FOR CHEESE

Prepared by the International Dairy Federation (IDF) in collaboration with France

1 BACKGROUND

At its 5th Session, the CCMMP considered the document CX/MMP 02/13 and discussed the need for developing a Standard for “cheese specialities”, the exact nature of the product(s) intended to be covered by it, and the possibilities for including specific provisions as revisions to the labeling or other sections of generic standards for cheeses (par. 128 of ALINORM 03/11).

As no consensus was achieved on the above matters, the Committee requested the IDF, in collaboration with France, to prepare a discussion paper on the possible elaboration of an Annex to the Codex General Standard for Cheese (CODEX STAN A-6) to encompass principles and provisions, as necessary, for the naming and labelling of cheese descriptions, for consideration at its next session. It was requested that the discussion paper should adequately address the Codex Criteria for the Establishment of Work Priorities and the terms of reference of the CCMMP (par 129, ALINORM 03/11).

In responding to this request, it has been considered advisable also to analyze the case and identify key objectives for any type of possible new work to permit the Committee to decide whether new work is required.

Therefore, this discussion paper aims at providing relevant background information for such decision, including a discussion of the nature of these products and regulation currently in place relevant to determining their designation. This paper further discusses objectives for possible new work.

The option identified at the 5th Session of the CCMMP is visualized in the attachment to this discussion paper, where a format for a possible Annex to the General Standard for Cheese (A-6) are provided with some preliminary text included.

2 INTRODUCTION TO THE ISSUE

2.1 Naming of foods that are not covered by the scope of existing milk product standards

According to the Codex Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985 (Rev. 1-1991 - referred to in this document as the GSLPF), any food has to be designated by an official name (designation). Such a name shall indicate the true nature of the food and normally be specific and not generic (section 4.1.1).

Further, the selection of appropriate names shall be done in accordance with a hierarchy, as follows:

1st priority: The name established by a Codex standard (4.1.1.1)

Annex to the General Standard for Cheese

2nd priority: The name prescribed by national legislation (4.1.1.2)

3rd priority: Either a common or usual name existing by common usage or an appropriate descriptive term that is not misleading or confusing to the consumer (4.1.1.3).

Products that, technically speaking, do not fall under the scope of one or more of the existing standards (Codex or national), shall therefore be designated by appropriate non-misleading names identified by the operation responsible for trading the product. The option available to the producer is often a descriptive designation, as commonly used names may not have been established.

2.2 Nature of the products concerned

When considering currently marketed milk products¹ that have been prepared by applying cheese-technology or from cheese, some fall under established Codex identity standards, others do not.

Existing Codex identity standards (as well as those under development) which are relevant to this discussion include:

- General Standard for Cheese (CODEX STAN A-6-1978, Rev. 1-1999, Amended in 2001), that provides the framework for specific standards, as follows:
 - Group Standard for Unripened Cheese, Including Fresh Cheeses (CODEX STAN 221-2001)
 - Group Standard for Cheese in Brine (CODEX STAN 208-1999, Amend. 1-2001)
 - Standards for individual cheese varieties (C-series) [under revision]
- Standard for Whey Cheeses (CODEX STAN A-7-1978, Rev. 1-1999) [under 2nd revision]
- Standard(s) for Processed Cheese (CODEX STAN A-8 (a), (b) and (c)-1978) [new replacement standard under development]

The nature of the milk products* that fall outside the scopes of the above standards can be described in two groups, both having in common the use of the term “cheese” in their descriptive designations.

*) Reference to the term “milk product” implies that no ingredients shall replace, partly or in whole, milk constituents.

This is illustrated as follows:

a) Milk products manufactured using cheese technology:

The products are prepared directly from milk and/or other milk products using technological principles similar to those used in the manufacture of cheese, for example coagulation of milk protein, with or without additional processing steps and/or with the use of additives and ingredients other than those permitted by CODEX STAN A-6.

Examples of designations currently used for such products include “*cheese speciality*” and “*cheese dessert*”.

Note: although “whey cheese” would also comply with the above description, the existing CODEX STAN A-7 governs the naming and labelling of these specific products.

b) Cheese-based milk products:

The products are prepared from cheese (CODEX STAN A-6) with or without the addition of other milk constituents and/or milk products and with or without the use of additional additives and ingredients.

Examples of designations currently used for such products include “*cheese preparation*”, “*cheese composition*”, “*cheese powder*”, “*cheese mousse*” and “*cheese mix*”.

Note: Although “processed cheese” could also comply with the above description, the Codex standard on Processed Cheese [currently being developed] is foreseen to govern the naming and labelling of these specific products.

¹ Defined by CODEX STAN 206

2.3 Production and trade

Earlier investigations (see CX/MMP 02/13) have provided rough estimates that the above products are produced in a considerable number of countries in annual quantities of the size of 30,000 tonnes or more and that international trade exist between more than 20 countries with a volume of at least 7,500 tonnes.

It should be recognized, however, that these figures are not exact and may very well be impacted by the uncertainty associated with statistical registration and with the nature and actual designation of the products investigated. It is also assumed that volumes are increasing.

2.4 Current legislation at national level

Earlier investigations (see CX/MMP 02/13) have shown that some countries have specific regulation, professional codes, national requirements or ad hoc descriptions specifying characteristics of the products of concern, whereas other countries apply general labelling and composition rules to define the legal status of these products. Such difference could result in difficulties in international trade.

2.5 Cheese descriptions

Cheese descriptions encompasses both the term “cheese” itself as well as cheese-specific terminology used in conjunction with this term, e.g. descriptors referring to cheese technology such as “ripened”, “unripened”, “mould-ripened”, “in brine”. Additional descriptors include terms referring to cheese texture such as “hard”, “firm”, “soft”, or descriptors referring to cheese composition such as “full fat” and “skim”.

For both cheese-based products and cheese technology based products, the term “cheese” is currently used in descriptive designations mostly as an adjective linked to another noun*.

*) e.g. cheese base, cheese speciality, cheese composition, cheese product, cheese powder, cheese mousse

3 CONSIDERATION OF THE NEED FOR REGULATION

3.1 Existing regulation in place

Currently, the Codex texts regulating the naming of the products of concern are the GSLPF and the GSUDT.

The provisions of the GSLPF state as follows:

Prepackaged food shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect (section 3.1)

Prepackaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product (section 3.1)

In the absence of any such name, either a common or usual name existing by common usage or an appropriate descriptive term which was not misleading or confusing to the consumer shall be used (section 4.1.1.3).

The GSUDT does not provide specific regulation on the use of established names used in conjunction with descriptive names of other milk products (other than composite milk products). Nevertheless the standard does provide rules in this respect for non-dairy products (sections 4.6.3 and 4.6.4 of the GSUDT), where the use of milk product names are allowed only if the non-dairy food does actually contain the milk product in question as an ingredient. Reference to the dairy product names is not allowed for imitations of the same product (i.e. similar products using the same technology).

3.2 Consideration of the need for additional Codex texts

Any milk product has to be designated by an official name (designation) selected in conformity with the hierarchy provided by section 4.1 of the GSLPF (see 2.1 above) and the GSUDT.

It is recognized that products do fall outside the scope of the existing standards (Codex or national). When this is the case, the producer is obliged to either use a name established by common usage or, more likely (as these are primarily newly developed products), to find a proper (non-misleading) descriptive designation for it.

Currently, there is no international detailed guidance on the selection of descriptive terms with regard to how and when to apply descriptive designations and what is and what is not acceptable.

A variety of descriptive product designations are currently used for products falling outside the scopes of established standards, and many of them include the term "cheese". However, it is still a question whether the existence of such descriptions constitute a potential problem for international trade.

Taking into account this existing situation, the CCMMP should decide whether there is a need (or desire) for more detailed regulation in the establishment of descriptive designations.

3.3 Objectives in the case of initiation of new work

If the CCMMP were to consider that there is a need for providing such regulation, the over-all objective of such work should be to assist in ensuring fair trade practices and consumer information in the naming and the labeling of the products of concern (see 2.2 above)) that are to be designated by descriptive terms.

Such regulation should apply only to those milk products described in 2.2 above having in common the use of the term cheese as part of their descriptive designation and should not apply to:

- Milk products governed by existing Codex commodity standards
- Other (non-dairy) products in which milk components are wholly or partly replaced and in which cheese is an ingredient.

Such regulation should provide adequate principles and provisions for the use of the term "cheese" in descriptive designations of milk products and, as necessary, relate these to appropriate compositional and/or other technical conditions for their use*.

It could also provide general conditions for the use of other cheese descriptors such as those related to cheese terminology (e.g. ripened, unripened, fresh), to cheese texture (e.g. hard, soft) and to cheese composition (e.g. (full fat) in a similar way as described in sections 7.1.1 and 7.2 of the CODEX STAN A-6, provided that they comply with the conditions specified for their use.

The principles and provisions provided must not contradict the GSLPF (CODEX STAN 1) nor the GSUDT (CODEX STAN 206).

*) **Examples (for illustration purposes) of possible principles:**

The term "cheese" can be used in descriptive designations of other milk products, provided that the milk product is wholly or partly based on or prepared from cheese, or is prepared using technological principles applied in cheese manufacturing.

The term(s) must be accompanied by an appropriate qualifier(s) or descriptor(s) that is/are acceptable in the country of retail sale.

The term(s) must describe, in a way that is accurate and not misleading to the consumer, the true nature of the product, (such as) how it differs from "cheese", the change(s) imparted to the cheese, and/or its intended use.

4 PROCEDURAL MATTERS

4.1 Compliance with the Codex Criteria for the Establishment of Work Priorities

The Committee may consider that the establishing of a Codex text to address the issues described above can be justified according to the criteria*, as follows:

a) <i>Consumer protection from the point of view of fraudulent practices:</i>	Applicable (see 3.2 of this document)
b) <i>Volume of production in individual countries:</i>	Applicable (see 2.3 of this document)
c) <i>Differences in national legislations and apparent resultant or potential impediments to international trade:</i>	Applicable (see 2.4 and 3.2 of this document)
d) <i>International or regional market potential:</i>	Applicable (see 2.3 of this document)
e) <i>Amenability of the commodity to standardization:</i>	Not applicable (only relevant in the case of a commodity standard)
f) <i>Number of commodities which (otherwise) may need separate standards:</i>	Not applicable (only relevant in the case of a commodity standard)
g) <i>Work already undertaken in this field by international organizations:</i>	Not applicable
h) <i>The type of subsidiary body envisaged to undertake the work:</i>	The CCMMP, see 4.2 of this document

*) CAC Procedural Manual, 12th ed., pages 60-61 of the English version

4.2 Compliance with the CCMMP terms of reference

In order to ensure full compliance with the terms of reference of the CCMMP, the scope of any Codex text that were to address the issue should only apply to milk products as defined by the GSUDT.

Such restriction implies that the Codex text would not involve consideration of the use of cheese descriptors in non-dairy foods (such as “cheese cake”, “cheese biscuits” and products covered by section 4.6 of the GSUDT).

Attachment

**Format (with some preliminary text) for a possible Annex to the Codex General Standard for Cheese
(Codex Stan A-6)**

The provisions of this Annex apply in conjunction and in conformity with the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1 – 1985, Re v. 1-1991) and with the General Standard for the Use of Dairy Terms (CODEX STAN 206-1999).

1. Scope

This Annex applies to milk products for which no Codex cheese commodity standards apply and that include the term “cheese” in their designation. It applies also to the milk product part of composite milk products.

The provisions of this Annex specify the conditions that are applicable to these products for the use of the term “cheese” in descriptive designations, when such designations are to be applied (see section 4.1.1 of Codex Stan 1), as well as the labelling provisions that apply accordingly.

2. Conditions applicable to the milk products for the use of the term “cheese” in descriptive designations

A milk product to which this Annex applies may use the term “cheese” in its descriptive designation in accordance with part 3 below, provided that the milk product complies with all of the conditions specified in 2.1.1-2.1.4 below.

2.1.1 Nature of the product

The product is prepared directly from milk and/or other milk products using technological principles similar to that used in the manufacture of cheese, for example coagulation of milk protein, with or without additional processing steps and/or with the use of ingredients and/or additives other than those permitted by Codex Stan A-6 (a milk product manufactured using cheese technology);

and/or

The product is prepared from cheese (Codex Stan A-6) with or without the addition of other milk constituents and/or milk products and with or without the use of additional additives and ingredients (a cheese based milk product).

2.1.2 Composition of the product

The whey protein/casein ratio may or may not exceed that of milk.

2.1.3 Ingredients used

The functional ingredients used, other than those authorized for cheese (sections 3.2 of Standard A-6), are:

- technologically justified according to the nature of the product, and
- added only in quantities functionally necessary

2.1.4 Additives used

The additives used, other than those authorized for cheese (section 4 of Codex Stan A-6), are:

- permitted by the Codex General Standard for Food Additives [under development],
- technologically justified according to the nature of the product, and
- added only in quantities functionally necessary.

3. Naming provisions

Milk products that comply with the conditions in part 2 above may only refer to the term “cheese” as an adjective, and this term must be supplemented with additional words that:

- indicate clearly to the consumer, in an acceptable manner in the country of retail sale, the true nature of the product, e.g. how it is different from cheese, or
- describe, in an accurate and not misleading way for the consumer, the nature of the change(s) imparted to the cheese and/or intended use.

Examples of such descriptive designations include but are not limited to: “*cheese speciality*”, “*cheese preparation*”, “*cheese dessert*”, “*cheese powder*”, “*cheese mousse*” and “*cheese mix*”.

4. Other labelling provisions

For milk products complying with the conditions in part 2 of this Annex, the following provisions apply:

- sections 7.2, 7.3 and 7.4 of the Codex Stan A-6;
- qualifying terms related to the ripening method, the firmness and the fat content as specified in sections 7.1.1 and 7.2 of the Codex Stan A-6, may be used provided that they comply with the conditions for their use, as specified by Codex Stan A-6.