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FOOD AND AGRICULTURE  
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Agenda Item 4 (p)

CX/MMP 06/7/7 Add. 1  
March 2006

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

**Seventh Session**

**Queenstown, New Zealand, 27 March - 1 April 2006**

**PROPOSED DRAFT STANDARD FOR DAIRY SPREAD**

**COMMENTS AT STEP 3**

**Comments from: Argentina, Australia, Canada, Lithuania, New Zealand and Venezuela**

*General*

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**AUSTRALIA**

Australia is pleased to provide the following comments on CX/MMP 06/7/7 (Oct 2005) "Proposed Draft Standard for Dairy Spreads" and wishes to commend the European Community for their efforts in taking the lead in this project.

**NEW ZEALAND**

New Zealand has been a part of the Working Group that developed this proposal, and thanks the European Community for its leadership that has enabled the Working Group to make significant progress.

*Section 1. Scope*

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**AUSTRALIA**

Australia suggests to remove the word "primarily" in the first sentence and leave only "...spreads intended for use as spreads..." ...as the word "primarily" is redundant in meaning.

Australia suggests to remove the second sentence in this section ("It excludes products ...") as it adds unnecessary prescription to the standard.

*Section 2. Description*

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Section 2.1 Dairy Fat Spreads

**AUSTRALIA**

Delete the heading "2.1. Dairy Fat Spreads".

The words "principally of the type of water-in-milk fat" are not necessary and can be omitted.

Section 2.2 Milk Fat

**AUSTRALIA**

The section 2.2. Milk Fat should be all removed as this language (1) is not used in other MMP standards, (2) does not add value (or new information) to the standard and consequently is not necessary.

**CANADA**

Canada recommends that the second sentence be deleted; this concept is covered by Section 6. Hygiene.

**NEW ZEALAND**

The first sentence is potentially confusing, as it equates milk fat, the substance present in dairy fat spreads, with milk fat, the commodity standard. New Zealand considers that milk fat will be adequately defined by the method of analysis for milk fat, which we assume will be associated with the standard. The first sentence can therefore be deleted.

The second sentence is redundant, as hygienic requirements for milk are covered by the reference to codes of practice in section 6.1, which will include the Code of Hygienic Practice for Milk and Milk Products. The second sentence can therefore be deleted.

***Section 3. Essential Composition and Quality Factors***

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***Section 3.2 Permitted Ingredients*****ARGENTINA**

Argentina suggests deleting vitamins from the list of permitted ingredients, as it is understood that they are included as a consequence of having used the spreadable fat and mixtures standard as the starting point for establishing this standard, and based on the same criteria, minerals and other nutrients should be included.

With regard to sugars, Argentina is of the opinion that the text in parentheses should be deleted and inulin and malto-dextrins be listed separately for greater clarity as was proposed in the Draft written by the European Commission (13/10/2003).

**CANADA**

Canada suggests that the second bullet referring to vitamins be replaced with:

“Where allowed in accordance with the Codex General Principles for the Addition of Essential Nutrients for Food (CAC/GL 09-1987), maximum and minimum levels for vitamins A, D and other nutrients, where appropriate, should be laid down by national legislation in accordance with the needs of individual countries including, where appropriate, the prohibition of the use of particular nutrients.”

This statement expands the permitted ingredients to permit mineral nutrients and is consistent with the proposed wording for the three draft standards for blended dairy products and vegetable fat.

Canada recommends that the last bullet of this section related to the GSUDT be removed because this does not relate to permitted ingredients and is redundant.

**LITHUANIA**

The variety of sugars used in manufacture of foodstuffs currently is greater than one proposed in the Draft Standard. Therefore Lithuania proposes to add lactulose and oligofructose to the list of sugars permitted in the item 3.2 Permitted Ingredients.

The list of sugars should be read as following:

[-Sugars (any carbohydrate sweetening matter) including inulin, lactulose, oligofructose and malto-dextrins (limited by GMP)].

**NEW ZEALAND**

The last indent, referring to compositional modifications, would be more appropriately placed in section 3.3, Composition.

***Section 4. Food Additives***

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**NEW ZEALAND**

We suggest that the list should be reviewed to ensure they are technologically justified and safe for use in dairy fat spreads.

**VENEZUELA**

Venezuela has a question with regard to the confusion that could arise between this product and the food product butter. Should a Light butter be developed with a 41% fat content, what name would it be given:

Light butter or light spreadable milk product?

<b>Place in the text:</b>	<b>Venezuela suggests:</b>	
<b>Page 3</b> <b>Section 4</b> <b>Food additives</b>	We recommend a single preservative value of 1000 mg/kg, as established in the general cheese standard Codex Stan 6.	
<b>PLACE IN TEXT</b>	<b>WHERE IT READS:</b>	<b>IT SHOULD READ:</b>
<b>Page 4</b> <b>Section 4</b> <b>Food additives</b>	It is recommended including the names of the additives 310, 319 and 389	The names of these additives are:  310 Propyl gallate, 19 Tertbutylhydroquinone, 389 Dilauryl Thiodipropionate
<b>Place in the text:</b>	<b>Venezuela suggests:</b>	
<b>Page 4</b> <b>Section 4</b> <b>Food additives</b>	We do not agree with including flavour enhancers in this product, as we do consider they are required in its production.	

Colours**ARGENTINA**

Argentina suggests limiting the use of Curcumin (INS 100i) as it already has a designated ADI; its use, in accordance with GMP, is not authorised (CAC/STAN 192-1995, Rev. 5 (2004) – Table Three).

Argentina suggests maintaining the limit of 10 mg/kg for Annatto (INS 160b).

**CANADA**

*INS 100 (i), Curcumin; INS 100 (ii), Turmeric; and INS 160(a),  $\beta$ -Carotene*

In view of the JECFA evaluation of curcumin and  $\beta$ -Carotene, Canada recommends the development of a ML (maximum level) for these colours instead of “limited by GMP”.

JECFA assigned a numerical (0-3 mg/kg b.w.) ADI for curcumin (synonym turmeric yellow) and therefore provisions for these additives should be finite instead of GMP.

The same comment applies to INS 160 a (i), Beta-carotene. This synthetic colour has a numerical ADI assigned by JECFA (Group ADI for synthetic beta-carotene and beta-carotene from *Blakeslea trispora* = 0-5 mg/kg b.w./day). Therefore the proposed level of use should also be finite instead of a level designated as being consistent with “Good Manufacturing Practice” (GMP).

Emulsifiers**CANADA**

*INS 472 (d), Tartaric acid esters of mono- and diglycerides of fatty acids*

In view of the JECFA evaluation and the relatively large number of proposed food additives containing tartaric acid, it is Canada’s view that the Committee should estimate the total intake of tartrates from the use of all of these additives in this food product to determine if the aggregate exposure is within the daily limit of 30 mg/kg b.w./day recommended by JECFA.

This additive is listed at a GMP level, while INS 472 (e), Diacetyltartaric and fatty acid esters of glycerol, has a finite level of use. This is consistent with the fact that ADI is “Not Limited” (NL) for the group of acetic, citric, lactic and tartaric esters of glycerol, while it is numerical for INS 472 (e), Diacetyltartaric and fatty acid esters of glycerol.

However, JECFA has established a maximum daily intake for tartaric acid from food additives of 0-30 mg/kg b.w. Several proposed food additives under the functional group of *acidity regulators* also contain tartaric acid. These are: INS 334, Tartaric acid; INS 335 (i), Monosodium tartrate; INS 335 (ii), Disodium tartrate; INS 336, Potassium tartrate; INS 337, Sodium tartrate. The use of this group of additives would be allowed up to 5 g/kg singly or in combination.

#### Stabilizers/thickeners and Acidity regulators

#### **CANADA**

*INS 338, Orthophosphoric acid; INS 339, Sodium phosphates; INS 340, Potassium phosphates; INS 341 Calcium phosphates; and INS 450 (i), Disodium diphosphate*

The allocated finite provision (2 g/kg singly or in combination with other phosphates) is expressed as named anhydrous substances, while JECFA assigned a group MTDI for phosphates based on the phosphorus intake from all sources. It would be more accurate to express “allowable” phosphate amounts based on phosphorus. The provisions for phosphates in the GSFA are based on phosphorus levels.

#### Antioxidants

#### **ARGENTINA**

The note at the bottom of the relevant column refers to three additives (INS 310, 319 which 389) that are not in the list.

#### **CANADA**

*INS 304, Ascorbyl palmitate; INS 305, Ascorbyl stearate; INS 306, Mixed tocopherol concentrate and INS 307, Alpha-tocopherol*

The provision for the first two of these additives should be qualified as being “singly or in combination.” The same comment applies for the latter two.

*INS 308, Synthetic gamma-tocopherol; INS 309, Synthetic delta-tocopherol; INS 311, Octyl Gallate and INS 312, Dodecyl Gallate*

All of these additives should be withdrawn from the list because JECFA did not proceed to evaluate them and there are no specifications available for them. JECFA did not allocate ADIs to these antioxidants due to insufficient safety data.

*INS 320, Butylated hydroxyanisole (BHA) and INS 321, Butylated hydroxytoluene (BHT)*

Provisions for these antioxidants should include accompanying notes, similar to those for these additives in the GSFA (Notes, CAC/STAN 192-1995, Rev. 6 (2005)- Table One). In particular, Note 130 specifies “Singly or in combination: BHA, INS 320; BHT, INS 321; and propyl gallate INS 310...” and Note 15 specifies “Fat or oil basis.” Both notes should be mentioned with the provisions for BHA and BHT in this standard.

#### Note in the Table to Section 4, following the antioxidant listings

#### **CANADA**

The Note following the antioxidant listings should be removed. It is inappropriate to allow “any combination of gallates” since JECFA assigned an ADI only to propyl gallate, INS 310. Only this antioxidant is listed in Table 1 of the GSFA as an approved antioxidant in specified food categories. The substance of Notes 15 and 130 of the GSFA should replace the current Note.

Furthermore, in the second part of the Note, INS 310, 319 and 389 are listed corresponding to propyl gallate, tertiary butylhydroquinone, (TBHQ), and dilauryl thiodipropionate, respectively. None of these compounds are identified in Section 4 of this standard as presently written.

**Section 7. Labelling****Section 7.1 Name of the food****VENEZUELA**

Venezuela has a question with regard to the confusion that could arise between this product and the food product butter. Should a Light butter be developed with a 41% fat content, what name would it be given:

Light butter or light spreadable milk product?

<b>PLACE IN TEXT</b>	<b>WHERE IT READS:</b>	<b>IT SHOULD READ:</b>
<b>Page 6</b> <b>Section 7.1</b> <b>Name of the Food</b>	Sub-paragraph 7.1.3 (e.g., three quarter fat butter, half fat butter) We do not agree with including the word butter, as this product has its own standard and this would cause confusion for the consumer.	Sub-paragraph 7.1.3 (e.g., three quarter fat spreadable milk product or half fat spreadable milk product).
<b>Place in the text:</b>	<b>Venezuela suggests:</b>	
<b>Page 6</b> <b>Section 7.1</b> <b>Name of the Food</b>	In sub-paragraph 7.1.2, the fat content should not be included to name a product as “light” or “low-fat”, as in some countries, such as ours, there are Nutritional Labelling Standards stipulating criteria for light and low-fat products and this sub-paragraph could cause confusion.	

**Section 7.1.1.****CANADA**

Canada recommends that the name “Dairy Spread” be removed because it is not descriptive enough of the food. The name of the food should be “Dairy Fat Spread”.

**Section 7.1.2.****AUSTRALIA**

Instead of the current wording Australia suggests the following:

”Dairy fat spreads with reduced fat content may be labeled as “reduced fat” or “low fat” in line with the Codex Guidelines for the Use of Nutrition and Health Claims.”

**CANADA**

Canada does not support this section because absolute criteria cannot be set for these products that differ from the Codex Guidelines for the Use of Nutrition Claims (CAC/GL 23-1997), specifically for comparative claims and for low fat claims. If any guidelines are required to replace 7.1.2, Canada suggests the following: ”Representations for fat reduced or low fat dairy fat spreads may be made according to the Codex Guidelines for the Use of Nutrition Claims (CAC/GL 23-1997)”.

**Section 7.1.3.****AUSTRALIA**

Australia does not support any introduction of unnecessary product categories and therefore suggests to delete the words “(e.g. three quarter fat butter, half fat butter)” at the end of this section.

**CANADA**

Canada questions whether this concept is appropriately positioned within this standard. It appears that this concept is broader than “Name of the Food”. If it is agreed to continue with the development of alternative names for dairy spread, using the term “butter”, Canada recommends that there be essential composition and

quality factors identified for these products in Section 3 and 4, similar to what was done for the Fermented Milk standard.

***Section 8. Methods of Sampling and Analysis***

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**CANADA**

Canada believes this Section needs to reflect methods to validate the composition of dairy fat spreads. Examples could be taken from the Draft Standards for Fat Spreads and Blended Spreads (Alinorm 05/28/17).