

codex alimentarius commission

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Agenda Item 4 (p)

CX/MMP 06/7/7 Add. 2
March 2006
(English only)

**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: Colombia, India, International Dairy Federation, Kenya, Thailand and United States of America

General Comments

INDIA

The Codex 'Proposed Draft Revised Standard for Dairy Spreads' is an improvement on the earlier draft which was considered by the previous Session of this Committee. However it still suffers from several inconsistencies in different sections. These need to be addressed suitably.

INTERNATIONAL DAIRY FEDERATION

IDF is of the opinion that the document has been significantly improved following the discussion at previous 6th CCMMP session.

However, IDF would like to make the following comments of technical and formatting nature.

THAILAND

Regarding to the scope and composition, the milk fat range in both sections are considered confusing. Therefore, we would like to ask for clarification on the composition requirement of Dairy Spread. Moreover, we recommend that the milk fat content should be consistent in between the contents appeared in section 1 and 3.3.

UNITED STATES OF AMERICA

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 United States appreciates the work the Drafting group has done in preparing the Proposed Draft Revised Standard for Dairy Spreads for the 7th session of the CCMMP. The U.S. notes that the proposed draft standard for dairy spreads is inconsistent with the format and standard texts used in other Codex standards for milk and milk products.

Considering the time it would take the Milk Committee to address the numerous inconsistencies in the proposed standard, the U.S. recommends that the proposed draft standard be referred back to a drafting group at Step 3 for alignment with the other Codex standards for milk and milk products.

Section 1. Scope

COLOMBIA

It is suggested changing [in the Spanish text] the word “**Ulterior**” with the word “**posterior**”, which has a similar meaning, but makes the text clearer.

INTERNATIONAL DAIRY FEDERATION

The last sentence (specifying fat in dry matter content) belongs in section 3.3 on Composition. No other milk product standard includes compositional requirements in their scope section.

Section 2. Description

Section 2.2. Milk Fat

INTERNATIONAL DAIRY FEDERATION

This text is new and includes three different elements, which are commented upon individually below:

- A definition of milk fat (first sentence)

Milk fat is a natural milk constituent, encompassing tri-, di- & mono-acylglycerols, phospholipids, cholesterol, and free fatty acids. These are present in various proportions in all milk and milk products - from the udder through to the end products Milk fat is therefore not equivalent to the milk products covered by CODEX STAN A-2.

The sentence should be deleted.

- A hygiene provision (second sentence)

Hygiene provisions do not belong under the description section. Section 6 of the Draft Standard adequately covers the necessary hygiene provisions, both for milk fat and any other component of the dairy fat spreads. The reference to national legislation for raw milk quality seems to be inconsistent with the principle of equivalence.

The sentence is redundant and should be deleted.

- A reference to physical modification of milk fat (last sentence)

Any specific requirements to the raw materials used belong in section 3.1 (raw materials).

Physical modification would be permitted, even without such a statement, as it is stated in section 2 that dairy fat spread is a milk product (which is defined in section 2.2 of the GSUDT as “a product obtained by any processing of milk”)

The specific mentioning of one particular processing may trigger uncertainty whether other processing is equally permitted.

If specific recognition of physical modification is to be retained, we suggest that the following phrase is inserted in section 3.1 (raw materials):

“Raw materials, including milk fat, may have been subjected to any appropriate processing (e.g. physical modifications including fractionation) prior to its use.”

UNITED STATES OF AMERICA

The U.S. recommends removing the second sentence from this section and referencing CAC/RCP 57-2004 in the hygiene section (6.0) to be consistent with other Codex standards.

Section 3. Essential Composition and Quality Factors

Section 3.2. Permitted ingredients
INDIA

Second indent: The paragraph should include the reference to the current Codex General Principles for the Addition of Essential Nutrients to Foods (CAC/GL 09-1987), which provides relevant guidelines for addition of essential nutrients in foods, and could be replaced by the following to read better:

" Vitamins (maximum and minimum levels for vitamin A, D and other vitamins, where appropriate) in accordance with the Codex General Principles for the Addition of Essential Nutrients to Foods (CAC/GL 09-1987, Amended 1989, 1991) or as specified in national legislation of the country of retail sale;"

INTERNATIONAL DAIRY FEDERATION

- **Salt**

Salt substitute (potassium chloride) should be added.

We refer to the outcome of the recent session of CCFAC, where it was confirmed that “salt substitute” is not a functional additives class. Consequently, potassium chloride should be specified here in its correct function, even though it may function as an additive in other foods.

Consequently, we suggest the indent to be amended as follows:

“- *Sodium chloride, food grade salt and potassium chloride.*”

- **Sugars**

The addition of sugars for the purpose of sweetening the dairy spread will make the product a composite dairy fat spread (see definition in section 2.3 of the GSUDT). As composite milk products are not covered by the scope of the standard, the indent on sugars should be amended.

However, to the extent that sugars are added to perform a technologically needed function (such as flavour enhancement or texture improvement, without resulting in a recognizable sweetened flavour) would be within the definition of a milk product. In the case that such function is justified, the indent needs to be rephrased according to the function, e.g. as follows:

“*Sugars (any carbohydrate sweetening matter) including inulin and malto-dextrins, limited by GMP, in amounts necessary to enhance flavours or improve texture, other than to intensify the sweetness of the food*”

- **Processing aids**

Due to developments at CCFAC regarding processing aids, it would be prudent to add the following new indent:

“- *Safe and suitable processing aids*”

- **Compositional modification**

The last indent that addresses compositional modifications does not belong under section 3.2 but under section 3.3 (composition). In order to be consistent with the GSUDT, such wording needs to address modification beyond compositional criteria – not modification in general. The current draft wording gives little meaning.

In accordance with the above comment, and assuming that the criterion on fat in dry matter currently placed in the scope will be moved to section 3.3, we suggest that the wording be modified and relocated in section 3.3 as follows:

“Compositional modifications beyond the minima and maxima specified above for milkfat and fat in dry matter are not considered to be in compliance with section 4.3.3 of the Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999).”

KENYA

Bullet 2 or dash 2 – Vitamins: Kenya proposes that maximum levels for vitamin A,D and other vitamins where appropriate, to be declared on the level.

Bullet 4: Sugars: Kenya accepts the statement the way it is.

Bullet 3; Sodium chloride and food grade salt – Kenya would require more information on the two to prevent misleading.

Bullet 6: water: Kenya proposes that water used in preparation of the Dairy Fat Spread to conform to Codex standard on Potable drinking Water.

UNITED STATES OF AMERICA

The U.S. notes inconsistencies with other Codex standards in the permitted ingredients section, specifically with the vitamins and sugars. The U.S. also notes that the last paragraph on the compositional modifications of Dairy Spreads should be in section 3.3.

Section 3.3. Composition

INTERNATIONAL DAIRY FEDERATION

See our respective comments to sections 1 and 3.2 above.

KENYA

Kenya proposes the clause to read as follows:

The milk fat content shall be not less than 30% and not more than 80% (m/m). Instead of “The milk fat content shall be no less than 10% and less than 80 % (m/m).

Section 4. Food Additives

COLOMBIA

Footnote – Spanish translation

Current wording: PAGE 3:

Al aplicar las BPM en el uso de emulsionantes, estabilizantes, espesantes y potenciadores del sabor debe tenerse en cuenta el **hecho de que** la cantidad necesaria para obtener la **función tecnológica** en el producto disminuye conforme aumenta el contenido de grasa, desapareciendo gradualmente con contenidos de grasa **en torno al 70 %**.

The application of GMP in the use of emulsifiers, stabilizers, thickeners and flavour enhancers includes consideration of **the fact that** the amount required to obtain the **technological function** in the product decreases with increasing fat content, fading out at fat contents **about 70%**.

Proposed rewording [in Spanish] to make the text clearer: Al aplicar las BPM en el uso de emulsionantes, estabilizantes, espesantes y potenciadores del sabor debe tenerse en cuenta **que** la cantidad necesaria para obtener la función tecnológica en el producto disminuye conforme aumenta el contenido de grasa, desapareciendo gradualmente con contenidos de grasa **alrededor del 70 %**.

INDIA

India has two comments on this section.

First, for INS no. 160 b 'Annatto extracts', out of the two levels proposed for dairy fat spreads, India favours the level of 20 mg/kg (bixin/norbixin basis) as is permitted for butter.

Second, Argon (INS 938) has been permitted for use in dairy spreads as per GMP under the category 'Miscellaneous'. The 'Class Names and International Numbering Systems for Food Additives (CAC/GL 36-2001)' lists Argon as a packing gas. Therefore, for argon, the category name should be changed from 'Miscellaneous' to 'Packing Gas'.

INTERNATIONAL DAIRY FEDERATION

The format of this section should follow the one agreed on for the most recent CCMMP standards (fermented milk, creams, C-standards etc.)

Consequently, this section should consist of 3 elements as follows:

- **Introductory statement**, as follows:

“Only those additive functional classes indicated as technologically justified in the table below may be used for the product categories specified. Within each additive class, and where permitted according to the table, only those food additives [used in accordance with Table 2 and 3 of the Codex General Standard for Food Additives (CODEX STAN 192) / listed below the table]¹ may be used and only within the functions and limits specified.”

- **A table**, to which the footnote is attached, as follows (the table below is only intended to illustrate the format - any need for changes to the list and max limits currently presented in the draft standard are not included):

Additive functional class:	Justified use in dairy fat spreads:	
	<70% milk fat content*	≥70% milk fat content
Acids	X	X
Acidity regulators	X	X
Anticaking agents	-	-
Antifoaming agents	X	X
Antioxidants	X	X
Bleaching agents	-	-
Bulking agents	-	-
Carbonating agents	-	-
Colours	X	X
Colour retention agents	-	-
Emulsifiers	X	-
Firming agents	-	-
Flavour enhancers	X	-
Foaming agents	-	-
Gelling agents	-	-
Humectants	-	-
Preservatives	X	X
Propellants	X	X
Raising agents	-	-
Sequestrants	-	-
Stabilizers	X	-
Thickeners	X	-

* The application of GMP in the use of emulsifiers, stabilizers, thickeners and flavour enhancers includes consideration of the fact that the amount required to obtain the technological function in the product decreases with increasing fat content, fading out at fat contents about 70%.

¹ **The list of additives** may eventually be replaced by a cross reference to the General Standard for Food Additives, where the individual additives are listed (see CX/FAC 06/38/7)

KENYA*Stabilizers/thickeners*

INS# 339 Orthophosphate – Kenya proposes that there is need for guidance on maximum level for this additive, missing in the table.

Antioxidants

Kenya would like clarification on the limit of INS #304 Ascorbyl – Palmitate and INS# 305 Ascorbyl stearate; INS# 306 Mixed tocopherols Concentrate and Alpha-tocopherol; and INS# 309 synthetic delta-tocopherol whether they are used singly or in combination.

UNITED STATES OF AMERICA

The U.S. notes that the table of food additive classes allowed in the standard is needed.

Section 5. Contaminants

COLOMBIA**Current wording: 5.1 HEAVY METALS**

The products covered by the provisions of this Standard **shall comply with the maximum** residue **limits** established by the Codex Alimentarius Commission.

Comment: Taking into account the health risk of heavy metals, we consider that the current wording could lead to poor practice or misinterpretation of the text, so we suggest the following wording:

Proposal: The products covered by the provisions of this Standard **shall not exceed** the maximum residue limits established by the Codex Alimentarius Commission.

INTERNATIONAL DAIRY FEDERATION

As Codex does not establish ML/MRLs for dairy fat spreads, but for milk only, we suggest using the standard wording used in the C-standards:

“The milk used in the manufacture of the products covered by this Standard shall comply with the maximum limits for contaminants and the maximum residue limits for pesticides and veterinary drugs established by the Codex Alimentarius Commission.”

KENYA**5.1 Heavy metals:**

Kenya would like clarification on the reference Codex Standard number of maximum residue limits,.

5.2 Pesticide Residues:

Kenya would like the reference Codex Standard number to be inserted at the end of the statement.

Section 6. Hygiene

KENYA

6.2 Kenya proposes that **Ultra filtration, reverse osmosis** can be used to retain the nature of the product.

6.3 Kenya proposes that the word “**Should**” which is between the word “**products**” and “**comply**” should be replaced with shall to make the clause compulsory.

Section 7. Labelling

Section 7.1 Name of food

INTERNATIONAL DAIRY FEDERATION

7.1.1 – General designation

The phrase “to be declared on the label” is redundant, and not appropriate for bulk products. We suggest deletion.

7.1.2/7.1.3 – Fat content qualifications

We note that the suggested uses of “light” and “low-fat” are not consistent with Codex Guidelines for the Use of Nutrition and Health Claims (CAC/GL 23-1997, Rev. 1-2004).

Sections 7.1.2 and 7.1.3 both address fat content qualifications and could be merged

Consequently, a merged section 7.1.2/7.1.3 should be amended into:

“The term “reduced-fat” or “light” may be used to qualify the designation of ~~for~~ dairy fat spreads with a fat content of ~~more than 41% but not more~~ less than 62%. The terms “low fat” or “light” may be used for dairy fat spreads with a fat content of 41% or less. In accordance with the requirements acceptable in the country of retail sale, dairy fat spreads ~~defined in Section 3.1~~ with a milk fat content of 60% to 62% and with a milk fat content of 39% to 41% may be designated by alternative terms (e.g. “three quarter fat butter”, “half fat butter”, “light butter”).”

Section 7.2. Declaration of fat content

COLOMBIA

Spanish translation

Current wording: 7.2 DECLARATION OF FAT CONTENT

The milk fat content shall be declared in a manner found acceptable in the country of sale to the final consumer, either (i) as a percentage by mass, or (ii) in grams per serving as quantified in the label provided that the number of servings is stated.

7.2 DECLARACIÓN DEL CONTENIDO DE GRASA

El contenido de grasa láctea se indicará de una manera aceptable en el país de venta al consumidor final, bien (i) como porcentaje por masa, bien (ii) en gramos por ración según la cuantificación de la etiqueta, a condición de que se indique el número de raciones.

Proposal [for the Spanish]: El contenido de grasa láctea se indicará de una manera aceptable en el país de venta al consumidor final, **bien sea:** (i) como porcentaje por masa, (ii) en gramos por ración según la cuantificación de la etiqueta, a condición de que se indique el número de raciones. **The word “bien” alone seems strange when reading it in the context of this paragraph. It could also be replaced with the words “de alguna de las siguientes maneras” [in one of the following manners].**

Section 7.3. Declaration of salt content

INTERNATIONAL DAIRY FEDERATION

We suggest copying the provision as is currently specified in the butter standard (CODEX STAN A-1-1971, Rev. 1-1999), i.e.:

“Dairy fat spread may be labelled to indicate whether it is salted or unsalted according to national legislation.”

This provision should be relocated in section 7.1 (as is the case for butter) and not as a separate section 7.3.

7.3 Methods of Sampling and Analysis

The IDF/ISO International Working Group on Methods of Analysis and Sampling has prepared a list of methods of analysis required in the Draft Codex Standards for milk and milk products currently being elaborated by CCMMP on the basis of the information received. The list is appended to Codex document CX/MMP 06/7/13 / Part II. Methods related provisions pertaining to the Proposed Draft Standard for Dairy Spreads can be found on page 18.

KENYA

Kenya accepts the labelling part with amendment of clause 7.3. The word “**may**” in clause 7.3 to be replaced with “**shall**” to make it mandatory.

Kenya also recommends the “Expiry date” to be incorporated in the standard.

Additional Section 7.5

INDIA

There are sections of consumers who do not consume food which contains non- milk animal products such as gelatin. It is, therefore, necessary that if such ingredients are used in food product, then these should be clearly labelled so that the consumer is appropriately and adequately informed. India, therefore, proposes to include a new Section 7.5 as follows:

"7.5: Declaration of Non-Milk Animal Origin Ingredients

If non-milk ingredients of animal origin are used, an additional declaration, such as given below, should appear on the label:

'Contains gelatin' ."

Section 8. Methods of Sampling and Analysis

INDIA

The draft standard proposes two methods for determination of non-milk fat content. Since use of any fats, other than milk fat, in the preparation of dairy spreads is not permitted in the standard, specifying a method for determination of non- milk fat is not justified. Therefore, the entire proposed text should be deleted. Instead, to be consistent with Codex standards for other dairy products, the following should be included: "See Codex Alimentarius, Volume 13."