

# codex alimentarius commission

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FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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**Agenda Item 5**

**CX/MMP 06/7/10 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**

**SPECIFIC FOOD ADDITIVES LISTING FOR THE CODEX STANDARD FOR FERMENTED  
MILK PRODUCTS**

**Comments from: Colombia, European Community, India, Kenya, Thailand and  
United States of America**

***General***

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**COLOMBIA**

The observations made by Switzerland should be taken into account with regard to not having in the same table different levels of maximum use.

Among the observations, the following stand out:

- As the reference to colours is of dubious acceptance by the European Community, Malaysia, USA, Argentina and Switzerland, they should indicate the need to reword the initial phrase; the health issues of several of these substances are known.
- The inclusion of Bromelain, with characteristics of proteinase.
- Need raised in recommendations proposed for numeric NM for good substance numbering.
- Define the need for fermented milk additives without heat treatment such as: phosphates, propylene glycol alginate, polyglycerol esters, sodium phosphates and aluminium.

**EUROPEAN COMMUNITY**

The European Community would like to thank the drafting group and its lead the United States for preparing this document and for the progress made in developing the specific food additives for the Codex Standard for Fermented Milk Products.

The European Community would like to make the following comments on the recommendations.

**INDIA**

The lists include some of the additives which are harmful for human health and should be excluded from the list, more so because fermented milk is very largely consumed by children. These are detailed below:

(a) Colours: JECFA has reported possibility of allergic reactions due to presence of carmines in foods and beverages in some individuals (TRS 999-JECFA 55/10; FAS 46-JECFA 55/9). Carmines, which are extracted from the insect Cochineal, are not permitted in India. We, therefore, propose deletion of carmines from the list of proposed additives under Recommendation 3.

(b) Artificial Sweeteners: Under the proposed lists of food additives in Recommendations 1 and 3, the artificial sweeteners acesulfame potassium (INS No. 950), aspartame (INS No. 951) and aspartame-acesulfame (INS No. 962) have been included. These sweeteners are not permitted in fermented milks under Indian Food Laws. Further, in the food products where artificial sweeteners are permitted under the Indian food laws, certain label declarations are required to be made on the package of the food as follows:

' (i) This \_\_\_\_\_ (name of food) contains \_\_\_\_\_ (name of artificial sweetener).

(ii) Not recommended for children.'

Fermented milk is very commonly consumed by children. It is therefore proposed that, for proper consumer information, this standard should also have provision for similar declarations on packages of products containing these sweeteners under a new clause in the section on Labelling.

(c) India also suggests that Lecithin, permitted as an emulsifier in foods under Indian Food Laws, should be included in the additives list of all the types of fermented milks. Lecithin is permitted at GMP in the GSFA.

## **KENYA**

### Food Additives List in General

Food additive list for Codex Standard for fermented milks is relatively wider than it is used in Kenya.

Plain fermented yoghurt or similar products have been produced in Kenya by Chilling the Product to regulate the acidity. We sometimes uses milk powder or whey concentrate powders, modified starch E 1422, E 1442 and food gelatine.

### Stabilizers and Thickeners

Kenya supports the use of the following in flavoured fermented milk products.

1. Carrageenan E407, 5000 mg/kg max.
2. Carob beenn gum E410, GMP.
3. Guorgum E412, GMP
4. Xanthan gum E415, GMP
5. Pectines E 440, GMP
6. Acetylated distarch adipate E 1422, GMP
7. Hydroxypropyl distorch phosphate E, 1442, GMP

### Colours

Kenya supports the use of carmines E 120, 150 mg/kg and beet red E 162, GMP and has no objection to use other colours.

### Sweeteners

Kenya accepts all the listed sweeteners with exception of saccharin E 954,200 mg/kg.

### Packing Gases

Kenya has no objection to use carbon dioxide E 290, GMP and nitrogen E 950, GMP.

Kenya proposes that the **side effects and safety margin** of the food additives and the maximum level be maintained within the safe level to protect consumers and to control fraudulent practices.

INS# 102 Tartrazine

INS# 120 Carmines

INS# 129 Allura Red Ac

INS #133 Brilliant blue FCF

INS #160b Annatto

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INS #128 Red 2G

INS #161 Canthaxanthin

Kenya would like to draw the attention to the fact that with the same table some food additives are listed more than once with different maximum use level. Kenya proposes that only one use level should be maintained throughout. Some of these additives are INS 338, 339, 450, 451 etc. with different specified limits at 8800 mg/kg and 10500 mg/kg.

Kenya recommends that INS# 1105 preservative, LYSOZYME should not be used in Heat treated milk products as proposed by Australia because there is no need to preserve heat treated milk.

#### **THAILAND**

We do not support the use of preservatives as additives in products of heat treated fermented milk, except those that are carried over from ingredients. Therefore there is no need to show those preservatives in the list.

#### **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 U.S. opposes the inclusion of any provisions for the use of cyclamates in Codex standards because of unresolved safety concerns.

The U.S. recommends the addition of the following food additives, all of which have been reviewed by the Joint FAO/WHO Expert Committee on Food Additives and assigned an acceptable daily intake.

#### ***Recommendation 1 – Heat Treated Fermented Milks (Flavoured)***

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#### **EUROPEAN COMMUNITY**

The European Community welcomes the requests which have been made for further information to be provided to justify some of the proposed uses or levels.

For the remaining provisions proposed the European Community would like to make the following comments.

The European Community is of the view that the Commodity Committee should evaluate the technological justification of the use of individual food additives, and list the additives that really achieve the desired effect in the respective food categories. Therefore, we do not support the proposal to allow the use of all the acids, acidity regulators, colours, emulsifiers, flavour enhancers, packaging gases, stabilizers, sweeteners, and thickeners used in accordance with Table 3 of the Codex General Standard for Food Additives (CODEX STAN 192).

Considering the relatively low ADI established by the Joint FAO/WHO Expert Committee on Food Additives for annatto extracts (INS 160b) the European Community questions whether this colour should be permitted for this wide category of foodstuff and also questions whether the level proposed of 100 mg/kg is necessary to achieve the technological effect.

**KENYA**

Kenya proposes that tables to be named and given numbers.

**INS #432-438 POLYSURBATES:**

Kenya uses polysurbates in processed cheese as stabilizer because processed cheese takes a lot of cooking time. It also retards the growth of moulds and yeast.

**INS# 473 Sucrose**

Kenya uses sucrose as a sweetener at 60,000 ppm but not as an additive.

Kenya's ferments milk products using culture and regulate acidity by temperature (cooling the milk).

**INS# 951 Aspartame**

Kenya uses (951) Aspartame for special food products for sugar free foods eg. Yorghurt for diabetics and the amount used is below 1,000 ppm.

**INS# 954 Saccharin**

Kenya proposes that 954 saccharin to be removed from the list because it has been banned in Kenya.

**UNITED STATES OF AMERICA**

| <b>Heat Treated Fermented Milks (Flavored)</b> |  |                         |           |       |
|--|--|-------------------------|-----------|-------|
| <b>INS #</b>                                   | <b>Substance</b>                       | <b>Functional Class</b> | <b>ML</b> |       |
| 102  | Tartrazine                             | Colour                  | 300       | mg/kg |
| 110  | Sunset Yellow FCF                      | Colour                  | 300       | mg/kg |
| 120  | Carmines                               | Colour                  | 150       | mg/kg |
| 127  | Erythrosine                            | Colour                  | 300       | mg/kg |
| 129  | Allura Red AC                          | Colour                  | 300       | mg/kg |
| 133  | Brilliant Blue FCF                     | Colour                  | 150       | mg/kg |
| 143  | Fast Green FCF                         | Colour                  | 100       | mg/kg |
| 160d   | Lycopene                               | Colour                  | 500       | mg/kg |
| 163i   | Anthocyanins                           | Colour                  | GMP       |       |
| 334  | L(+) Tartaric Acid                     | Acids                   | 2000      | mg/kg |
| 460  | Cellulose                              | Emulsifiers             | GMP       |       |
| 477  | Propylene Glycol Esters of fatty Acids | Emulsifier              | 5000      | mg/kg |
| 636  | Maltol                                 | Flavour Enhancer        | 200       | mg/kg |
| 637  | Ethyl Maltol                           | Flavour Enhancer        | 200       | mg/kg |
| 900a   | Polydimethylsiloxane                   | Emulsifier              | 50        | mg/kg |
| 939  | Helium                                 | Packing Gas             | GMP       |       |

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**Recommendation 2 - Heat Treated Fermented Milks (Plain)**


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**EUROPEAN COMMUNITY**

The European Community welcomes the request to clarify the technological need for adipates in this food category.

**KENYA**

Kenya proposes that this table of heat Treated Fermented plain milks be named and numbered.

**INS# 270 - Lactic acid (L-)**

Kenya proposes that lactic acid be removed from the list of food additives since it is used for products formulation but not acidity regulator.

**INS# 331 iii - Trisodium citrate and 331 i - Sodium Dihydrogen citrate**

Kenya uses the combination of the above products in canned cream as a stabilizer but not in Heat treated fermented Plain Milks,

Kenya uses INS 1414,1422,1420 Acetylated Distarch phosphate, acetylated Distarch Adipate, Starch acetate, respectively in yoghurt with limits of 30,000 ppm. that is 3%. The volume of our starch is low because Kenya uses thickener in powder milk as part of the ingredients.

**UNITED STATES OF AMERICA**

| <b>Heat Treated Fermented Milks (Plain)</b> |                            |                              |           |       |
|---|----------------------------|------------------------------|-----------|-------|
| <b>INS #</b>                                | <b>Substance</b>           | <b>Functional Class</b>      | <b>ML</b> |       |
| 170i  | Calcium carbonate          | Stabilizers                  | GMP       |       |
| 297   | Fumaric acid               | Acidity Regulator            | GMP       |       |
| 300   | Ascorbic Acid              | Acids                        | GMP       |       |
| 301   | Sodium Ascorbate           | Acidity Regulator            | GMP       |       |
| 322   | Lecithin                   | Stabilizer                   | GMP       |       |
| 325   | Sodium Lactate             | Acids                        | GMP       |       |
| 330   | Citric Acid                | Acidity Regulator            | GMP       |       |
| 331iii                                      | Trisodium Citrate          | Acidity Regulator            | GMP       |       |
| 416   | Karaya Gum                 | Stabilizer Thickener         | GMP       |       |
| 450iii                                      | Tetra Sodium Pyrophosphate | Acidity Regulator            | 200       | mg/kg |
| 500i  | Sodium Carbonate           | Acidity Regulator            | GMP       |       |
| 501i  | Potassium carbonate        | Acidity Regulator Stabilizer | GMP       |       |
| 503i  | Ammonium carbonate         | Acidity Regulator            | GMP       |       |
| 508   | Potassium Chloride         | Stabilizer Thickener         | GMP       |       |
| 509   | Calcium Chloride           | Stabilizer                   | GMP       |       |
| 524   | Sodium Hydroxide           | Acidity Regulator            | GMP       |       |
| 525   | Potassium Hydroxide        | Acidity Regulator            | GMP       |       |
| 526   | Calcium Hydroxide          | Acidity Regulator            | GMP       |       |
| 527   | Ammonium Hydroxide         | Acidity Regulator            | GMP       |       |
| 529   | Calcium Oxide              | Acidity Regulator            | GMP       |       |
| 576   | Sodium Gluconate           | Acidity Regulator            | GMP       |       |

| <b>Heat Treated Fermented Milks (Plain)</b> |                      |                         |           |       |
|---|----------------------|-------------------------|-----------|-------|
| <b>INS #</b>                                | <b>Substance</b>     | <b>Functional Class</b> | <b>ML</b> |       |
| 578   | Calcium Gluconate    | Acidity Regulator       | GMP       |       |
| 900a  | Polydimethylsiloxane | Stabilizer              | 50        | mg/kg |
| 939   | Helium               | Packing Gas             | GMP       |       |

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### ***Recommendation 3 - Fermented Milks (Flavoured)***

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#### **EUROPEAN COMMUNITY**

The European Community welcomes the requests which have been made for further information to be provided to justify some of the proposed uses or levels.

For the remaining provisions proposed the EC would like to make the following comments.

The European Community is of the view that the Commodity Committee should evaluate the technological justification of the use of individual food additives, and list the additives that really achieve the desired effect in the respective food categories. Therefore, we do not support the proposal to allow the use of all the acids, acidity regulators, colours, emulsifiers, flavour enhancers, packaging gases, stabilizers, sweeteners, and thickeners used in accordance with Table 3 of the Codex General Standard for Food Additives (CODEX STAN 192).

Considering the relatively low ADI established by the Joint FAO/WHO Expert Committee on Food Additives for annatto extracts (INS 160b) the European Community questions whether this colour should be permitted for this wide category of foodstuff and also questions whether the level proposed of 100 mg/kg is necessary to achieve the technological effect.

#### **KENYA**

##### **Clause 14**

Kenya proposes that the flavoured fermented milks table be given a number and a heading/named.

##### **INS# 262 ii**

Kenya does not use Sodium diacetate in fermented flavoured milk so we cannot propose the numeric ML to be used as acidity regulator.

##### ***INS#120 - Carmines***

Kenya uses carmines at a lower limit, that is 0.018 mg/kg or 0.03%. Other colours such as root beet can be used but it has been found to be unstable.

##### ***INS#951 – Aspartame***

Kenya propose that the limit be set to harmonize the units to prevent confusion. Aspartame has been found to produce desired suitable effect on these product at a limit of 1,000 mg/kg, so Kenya proposes this limit to be considered during this meeting.

##### ***INS#954 Sacchariri***

Kenya proposes that this product to be removed from the list and other sweeteners such as aspartame be used. Kenya banned saccharin.

##### ***INS#432 – 436 Polyorbates***

Kenya uses this additive in cheese but not in fermented flavoured milk.

**UNITED STATES OF AMERICA**

| <b>Fermented Milks (Flavored)</b> |  |                         |           |       |
|-----------------------------------|--|-------------------------|-----------|-------|
| <b>INS #</b>                      | <b>Substance</b>                       | <b>Functional Class</b> | <b>ML</b> |       |
| 102                               | Tartrazine                             | Colour                  | 300       | mg/kg |
| 110                               | Sunset Yellow FCF                      | Colour                  | 300       | mg/kg |
| 120                               | Carmines                               | Colour                  | 150       | mg/kg |
| 129                               | Allura Red Ac                          | Colour                  | 300       | mg/kg |
| 133                               | Brilliant Blue FCF                     | Colour                  | 150       | mg/kg |
| 143                               | Fast Green FCF                         | Colour                  | 100       | mg/kg |
| 150b                              | Caramel, Class II                      | Colour                  | 50,000    | mg/kg |
| 160d                              | Lycopene                               | Colour                  | 500       | mg/kg |
| 163i                              | Anthocyanins                           | Colour                  | GMP       |       |
| 405                               | Propylene Glycol Alginate              | Thickener<br>Emulsifier | 300       | mg/kg |
| 450iii                            | Tetra Sodium Pyrophosphate             | Acidity Regulator       | 200       | mg/kg |
| 475                               | Polyglycerol Esters Of fatty Acids     | Emulsifier              | 10000     | mg/kg |
| 477                               | Propylene Glycol Esters of fatty Acids | Emulsifier              | 5000      | mg/kg |
| 636                               | Maltol                                 | Flavour Enhancer        | 200       | mg/kg |
| 637                               | Ethyl Maltol                           | Flavour Enhancer        | 200       | mg/kg |
| 900a                              | Polydimethylsiloxane                   | Emulsifier              | 50        | mg/kg |
| 939                               | Helium                                 | Packing Gas             | GMP       |       |
| 961                               | Neotame                                | Sweetener               | GMP       |       |

***Recommendation 4 - Fermented Milks (Plain)*****EUROPEAN COMMUNITY**

The European Community remains of the view that no food additives are necessary in plain fermented milk products which are not heat treated. Therefore, the EC does not support any of the food additives proposed.

**KENYA**

INS #1414, and # 1422 acetylated Distarch phosphate and acetylated distarch adipate respectively (Kenya has to confirm the limits it is using) are used in Kenya.

Kenya does not use a lot of these food additives in its fermented milk (plain) as in developed countries because a few of these products are consumed in Kenya.

**UNITED STATES OF AMERICA**

| <b><u>Fermented Milks (Plain)</u></b> |                      |                         |           |       |
|---------------------------------------|----------------------|-------------------------|-----------|-------|
| <b>INS #</b>                          | <b>Substance</b>     | <b>Functional Class</b> | <b>ML</b> |       |
| 322                                   | Lecithin             | Stabilizer              | GMP       |       |
| 331iii                                | Trisodium Citrate    | Stabilizer              | GMP       |       |
| 508                                   | Potassium Chloride   | Stabilizer<br>Thickener | GMP       |       |
| 509                                   | Calcium Chloride     | Stabilizer              | GMP       |       |
| 900a                                  | Polydimethylsiloxane | Emulsifier              | 50        | mg/kg |