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Agenda Item 6

CX/MMP 06/7/11
November 2005

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

Seventh Session

Queenstown, New Zealand, 27 March - 1 April 2006

DISCUSSION PAPER ON NAMING NON-STANDARDISED DAIRY PRODUCTS

Report of the Codex Working Group on Naming of non-standardized dairy products

Background

During the 6th Session of the Codex Committee on Milk and Milk Products, a discussion paper on the possible elaboration of an Annex to the Codex General Standard for Cheese was presented. The issue was debated and the Committee concluded that “the main problem related to non-standardized dairy products was labelling of a horizontal nature and related to the use of cheese or other dairy names in their descriptive designations”; therefore the Committee agreed to seek advice from the Committee on Food Labelling on this matter. The Committee also “agreed that a Drafting group led by France with assistance from Belgium, Canada, Germany, Italy, Malaysia, Switzerland and IDF would prepare a paper to address the issue of naming non standardized dairy products for consideration at its next session in 2006, with the view to forward it to the CFFL” (see paras 131 and 132 of ALINORM 04/27/11).

At the end of July 2004, the members of the Drafting group were contacted to give their opinion on the way to proceed with the work and a questionnaire was sent out with a deadline of the end of September 2004. The objective of this questionnaire was to identify examples of descriptive designations of non standardized dairy products including the reference to the name of dairy products covered by Codex standards and to understand better the criteria of differences with the standardized dairy product (see Questionnaire in Annex). Answers were received from Germany, Canada, Malaysia and France.

The results of the electronic exchanges of the working group are summarized below.

1. Preliminary Summary and Comments

1) The mandate given by the CCMMP to this Drafting group is to address the issue of naming non standardized dairy products. Therefore, this work should deal with **dairy products only**.

Consequently, some products mentioned in the responses of the members of the Drafting group are outside the scope of work, specifically, the scope does not include:

- all products where the dairy term refers to a texture like « coconut cream », to a traditional common name such as « peanut butter », « butter roll », « cream crackers », or to a well-known name like « ice cream », or to an ingredient like « butter cookie », « butter cake », or « cream puff »;
- all products containing vegetable fat, in accordance with the mandate given to the Drafting group. Indeed in accordance with GSUDT, denominations such as « sweetened creamer » or even « non-dairy creamer » (currently used in Malaysia) cannot be permitted for products containing vegetable fat. Moreover, as the GSUDT provides the necessary guidelines, the present working group can not deal with such composite or non-dairy products

2) The various **works currently undertaken by the CCMMP** and the **standards being drafted should be taken into account by the drafting group to define and circumscribe its own work** : for example, Malaysia mentions the draft standards for « blend of skimmed milk with vegetable fat »; France mentions, for the term « Butter », the draft standard for « Dairy spreads », so these products should be left out of the task of the working group.

3) When those products that should not be covered by the scope of this work are excluded, the issue appears to be restricted to only few remaining products, especially mentioned by Canada and France.

Canada provided examples of descriptive designations used in its country concerning non-standardized dairy products. In Canada, the policy regarding those names and products follows the approach below :

« Qualified Descriptive Common Names of Standardized Foods

The common name of a standardized food must not be used to describe any food unless that food meets the provisions set in the standard for composition, strength, potency, purity, quality or other properties for that food.

Where a standard provides for optional ingredients, or prescribes a range regarding the amount of an ingredient or constituent that may be present in a food, the common name may be modified to indicate that an ingredient or constituent is absent or is contained at a specific level in the food (eg, “no salt added mayonnaise” or “65% vegetable oil mayonnaise”) . However, when the modification is also a nutrient content claim, all applicable criteria, including both composition and labelling requirements, must be met. For example, the common name “no salt added mayonnaise” could only be used if the food meets the criteria for “no added sodium or salt” as set out in the table following B.01.513 (see also 7.21 and Table 7-10 of this Guide).

*A **modified common name** of a standardized food **may not** be used to describe a food that does not meet that standard **unless** the following conditions are met.*

It must always be clear to consumers that the food so described does not meet the standard.

The consumer is told, in all respects, on the label and in advertisements, the provision(s) which the food does not meet within the standard. This information must always be in evidence in a clear and prominent manner as part of the common name on labels and in advertisements (e.g., flavoured shortening, coloured sugar). »

There are many product examples in Canada where standardized common names are included in the common name of the food. Foods may be developed to be similar to the standardized food but with a change in nutrient level, such as fat, or a change in composition that provides a desirable functional effect such as improved melting or spreading, or product development and innovation.

Note that manufacturers do not always have the option of modifying a standardized common name, whether or not the modification is made clear on the label. For example, manufactures must, by Regulation, add Vitamin D to milk. Therefore, a product labelled “Milk with no added Vitamin D” would be illegal.”

In **France**, the designations included in dairy standards cannot be used for non-standardized products. However, a descriptive designation can include a qualifier which derives from designations related to the milk and milk products’ field (for example : “spécialité fromagère”, “spécialité laitière”...)

Germany is of the opinion that a name of a standardized dairy product cannot be used in the designation of another food if it does not entirely meet the requirements of this standard. For example, a product that does not meet the requirements of the Codex standard for Butter should not be called butter, but the German delegation did not provide examples of descriptive designations used in its country concerning non-standardized dairy products.

Germany considers there is **no need for a standard or even guidelines** to name non-standardized dairy products. Germany is of the opinion that the Codex standards for dairy products, together with the GSUDT and the GSLPF already give a relevant and sufficient frame to cope with this issue.

4) The analysis and the comparison of the list of products and names for non-standardized dairy products used in Canada and France, make it difficult to reach a conclusion and recommend rules more precise than the general rules on labelling and GSUDT because we can see already that there are differences in the approaches.

2. Therefore, the work of this drafting group faced some limitations:

- 1) 4 members of the working group did not send their answers to the questionnaire and it restricts the relevance of the conclusions of the group, only based on the answers of 4 countries; it should be asked whether this **scarcity of answers** does not reflect a **lack of felt problems** by the countries involved, as far as international exchanges are concerned, or the **difficulties faced by the DG members to explain** in details the rules applied on a national level.
- 2) Among the examples provided by the different delegations, **some products do not enter the scope of the working group.**
- 3) Although some guidelines for naming non-standardized dairy products could be found in the Canadian policy that appears well advanced in the issue. However, Codex standards do not mention the possibility of modifying a standardized common name. **The extension of this practice is therefore debatable.**

On the basis of the answers received, it seemed difficult to draw some recommendations from the remaining examples.

3. Conclusion

The last CCMMP asked the working group to consider whether harmonised rules could be relevant and possible and, in this case, to draft some proposals in this sense.

The drafting group therefore started its work with the objective to prepare a paper to address the issue of naming of non-standardized dairy products to CCFL. However, on the basis of the contributions received, it seemed difficult to reach harmonised rules more specific than general rules on labelling and GSUDT.

Consequently, members of the working group were asked if it was appropriate to pursue the work on this issue.

Members either did not answer or gave a clear opinion ie not continuing the work on this topic : Germany, Switzerland and IDF concluded that the Codex General Standard for the Labelling of Prepackaged Food CODEX STAN 1 – 1985, Rev.1-1991 (GSLPF) and Codex General Standard on the Use of Dairy Terms CODEX STAN 206-1999 (GSUDT) provide adequate coverage regarding the issue of naming of non-standardized milk products; Belgium also is of the opinion that this issue does not need to be pursued.

In conclusion, regarding the impossibility, at this stage, to develop a common more detailed approach for naming non standardized dairy products, it could be proposed to not continuing further this work, considering that the existing standards GSPF and GSUDT cover this issue.