



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON FOOD ADDITIVES

Fifty-Sixth Session

GENERAL STANDARD FOR FOOD ADDITIVES (GSFA): REPORT OF THE EWG ON THE GSFA

Prepared by the EWG chaired by the United States of America with the assistance of Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, El Salvador, European Union, India, Indonesia, Japan, New Zealand, Norway, Republic of Korea, Russian Federation, South Africa, Switzerland, Thailand, United Kingdom, Collagen Casing Trade Association (CCTA), European Food Emulsifier Manufacturers Association (EFEMA), Food Industry Asia (FIA), FoodDrinkEurope, International Association of Color Manufacturers (IACM), International Alliance of Dietary/Food Supplement Associations (IADSA), International Confectionery Association (ICA), International Council of Beverages Associations (ICBA), International Chewing Gum Association (ICGA), International Dairy Federation (IDF), International Food Additives Council (IFAC), International Special Dietary Foods Industries (ISDI), Natural Food Colours Association (NATCOL)

Introduction

1. CCFA55 agreed to establish an EWG to provide recommendations to CCFA56 on the following topics:¹
 - i. Matters referred from the Codex Secretariat related to the appropriate replacement notes for Notes XS130 and XS67 associated with provisions in FC 04.1.2.2 (See [CX/FA 25/55/2](#) paragraph 14 - 15);
 - ii. Matters referred from the Codex Secretariat related to the provision for Jagua (genipin-glycine) blue (INS 183) in FCs 01.1.4 and 01.7 for comment for consideration to include Note XS243 (See [CX/FA 25/55/2](#) paragraph 16 - 18);
 - iii. Matters referred from CCNFSDU44:
 - a. Consideration for revocation of provisions for guar gum (INS 412), distarch phosphate (INS 1412), phosphated distarch phosphate (INS 1413), acetylated distarch phosphate (INS 1414) and hydroxypropyl starch (INS 1440) in foods conforming to the *Standard for infant formula and formulas for special medical purposes intended for infants* (CXS 72-1981) in GSFA FCs 13.1.1 (Infant formulae) and 13.1.3 (Formulae for special medical purposes for infants) based on indication from CCNFSDU of a lack of technological need; and
 - b. Consideration of the removal of Note XS73 (Excluding products conforming to the *Standard for canned baby foods* (CXS 73-1981)) from provisions in FC 13.2 (Complementary foods for infants and young children) to allow for the use of additives as nutrient carriers in foods conforming to the *Standard for canned baby foods* (CXS 73-1981) based on their listing in the *Advisory lists of nutrient compounds for use in foods for special dietary uses intended for infants and young children* (CXG 10-1979) Part D;
 - iv. Matters referred from JECFA related to high exposure to polyglycerol esters of fatty acids (INS 475) for comment on technological justification and reconsideration of actual use and use levels for all adopted provisions in the GSFA for INS 475;
 - v. Replies from the CL to seek information on the actual use of erythrosine (INS127) in products conforming to the *Standard for canned raspberries* (CXS 60-1981) and the *Standard for canned strawberries* (CXS 62-1981);
 - vi. The adopted provisions for indigotine (INS 132) in FC 04.1.2.8, and allura red (INS 129) and Indigotine (INS 132) in FC 04.1.2.11 for comment for consideration of lower use level;

¹ REP25/FA, paragraph 110

- vii. The adopted provision for caramel III - ammonia caramel (INS 150c) in FC 04.2.2.2 for comment on technological justification and actual use level;
- viii. The draft provision for annatto extracts, bixin-based 160b(i) and the adopted provision for caramel III - ammonia caramel (INS 150c) in FC 04.2.2.8 for comment on technological justification and actual use level;
- ix. The draft provisions for caramel III – ammonia Caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in FCs 08.1 and 08.3 and the adopted provisions for caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in the parent FC 08.0 to consider the use of the provisions in all appropriate subcategories based on technological justification and appropriate use level;
- x. All colour provisions in FC 08.4 (both adopted and in the step process) to establish a consistent reporting basis on the casing basis and consideration of the need for a note to allow conversion to a maximum level in the final food;
- xi. Draft and proposed draft provisions for colours in FCs 09.0 and their subcategories as well as adopted provisions for colours with Note 161 in FCs 09.0 and their subcategories;
- xii. Consideration of provisions entered at Step 2 of the GSFA contained in CRD2 Annex 5; and
- xiii. Discussion of the proposal to seek clarification on the explanatory note to Table 3 of the GSFA as noted in CRD2 Annex 5.

Working Documents

2. The working documents for the report of the EWG on the *General standard for food additives* are presented as appendices to this document. The appendices provide background on the topic under discussion, collate comments on the topic from the EWG, and provide recommendations for each topic.

- proposals for provisions related to matters referred from the Codex Secretariat and JECFA that pertain to topics i-iv are presented in Appendix 1.
- proposals pertaining to replies from the CL to seek information on the actual use of erythrosine (INS127) in products conforming to the *Standard for canned raspberries* (CXS 60-1981) and the *Standard for canned strawberries* (CXS 62-1981) as presented in topic v are presented in Appendix 2;
- proposals for provisions for colours that pertain to topics vi-ix are presented in Appendix 3.
- proposals for all colour provisions in FC 08.4 (both adopted and in the step process) to establish a consistent reporting basis that pertain to topic x are presented in Appendix 4.
- proposals for provisions related to colours that pertain to topic xi are presented in Appendix 5.
- proposals for provisions entered into the step process by CCFA55 that pertain to topic xii are presented in Appendix 6.
- discussion on the proposal to seek clarification on the explanatory note to Table 3 of the GSFA that pertain to topic xiii are presented in Appendix 7.

Appendix 1

MATTERS REFERRED FROM THE CODEX SECRETARIAT, CCNFSDU44, AND JECFA

1. Among several topics, CCFA55 requested the EWG on the GSFA to CCFA56 to consider:¹
 - Matters referred from the Codex Secretariat related to the appropriate replacement notes for Notes XS130 and XS67 associated with provisions in FC 04.1.2.2 (See CX/FA 25/55/2 paragraph 14 - 15);
 - Matters referred from the Codex Secretariat related to the provision for Jagua (genipin-glycine) blue (INS 183) in FCs 01.1.4 and 01.7 for comment for consideration to include Note XS243 (See CX/FA 25/55/2 paragraph 16 - 18);
 - Matters referred from CCNFSDU44 (See CX/FA 25/55/2 paragraph 11):
 - Consideration for revocation of provisions for guar gum (INS 412), distarch phosphate (INS 1412), phosphated distarch phosphate (INS 1413), acetylated distarch phosphate (INS 1414) and hydroxypropyl starch (INS 1440) in foods conforming to the Standard for infant formula and formulas for special medical purposes intended for infants (CXS 72-1981) in GSFA FCs 13.1.1 (Infant formulae) and 13.1.3 (Formulae for special medical purposes for infants) based on indication from CCNFSDU of a lack of technological need; and
 - Consideration of the removal of Note XS73 (Excluding products conforming to the Standard for canned baby foods (CXS 73-1981)) from provisions in FC 13.2 (Complementary foods for infants and young children) to allow for the use of additives as nutrient carriers in foods conforming to the Standard for canned baby foods (CXS 73-1981) based on their listing in the Advisory lists of nutrient compounds for use in foods for special dietary uses intended for infants and young children (CXG 10-1979) Part D;
 - Matters referred from JECFA related to high exposure to polyglycerol esters of fatty acids (INS 475) for comment on technological justification and reconsideration of actual use and use levels for all adopted provisions in the GSFA for INS 475 (See CX/FA 25/55/3)

Introduction**Background on Matters referred from the Codex Secretariat related to the appropriate replacement notes for Notes XS130 and XS67 associated with provisions in FC 04.1.2:**

2. The *General standard for dried fruits* (CXS 360-2020), which includes annexes for dried apricots, dates, and raisins, has been adopted and published on the Codex website. Consequently, the *Standards for dried apricots* (CXS 130-1981); *dates* (CXS 143-1985), and *raisins* (CXS 67-1981) have been revoked. However, Notes XS130 and XS67 remain in the GSFA. The Codex Secretariat requested that the GSFA EWG for CCFA56 consider appropriate replacements for these two notes, in light of the revocation of the specified commodity standards.

Background on Matters referred from the Codex Secretariat related to the provision for Jagua (genipin-glycine) blue (INS 183) in FCs 01.1.4 and 01.7 for comment for consideration to include Note XS243

3. As submitted by CCFA54, the provisions for Jagua (genipin-glycine) blue (INS 183) in FCs 01.1.4 and 01.7 had been adopted by CAC47 without Note XS243. However, during the discussions of the alignment EWG, it had been noted that if the provisions for Jagua (genipin-glycine) blue (INS 183) in FCs 01.1.4 and 01.7 advanced through the Step Process, Note XS243 should be included in the GSFA (see CX/FA 24/54/6). The Codex Secretariat requested that CCFA56 consider whether these provisions need to be revised to include Note XS243.

Background on matters referred from CCNFSDU44

4. CCNFSDU44 agreed to inform CCFA that:
 - There was no technological need for the use of guar gum (INS 412), distarch phosphate (INS 1412), phosphated distarch phosphate (INS 1413), acetylated distarch phosphate (INS 1414) and hydroxypropyl starch (INS 1440) in foods conforming to *Standard for infant formula and formulas for special medical purposes intended for infants* (CXS 72-1981); and
 - *Standard for canned baby foods* (CXS 73-1981) permitted the use of the food additives listed in the Advisory lists of nutrient compounds for use in foods for special dietary uses intended for infants and young children (CXG 10-1979) Part D as nutrient carriers.

¹ REP 25/FA, para. 110 (i, ii, iii, iv)

Background on Matters referred from JECFA related to high exposure to polyglycerol esters of fatty acids (INS 475) for comment on technological justification and reconsideration of actual use and use levels for all adopted provisions in the GSFA for INS 475

5. The 99th JECFA re-affirmed the ADI of 0-25 mg/kg for polyglycerol esters of fatty acids. Considering the potential for high exceedance of the ADI based on estimated dietary exposures, CCFA was asked to review and revise current uses of polyglycerol esters of fatty acids in the GSFA, including the maximum permitted levels and the food categories in which this food additive is permitted to be used. Note that revised specifications were also put forward for polyglycerol esters of fatty acids (See CX/FA 25/55/4).

Working Document:

6. The EWG on the GSFA issued three circulars for this Appendix requesting comments on the draft and proposed draft provisions for matters referred from the Codex Secretariat, CCNFSDU44, and JECFA.

7. The current document presents proposals for each provision under discussion (adopt, adopt with revision, discontinue) in the format of the food categories listed in Table 2 of the GSFA.

8. These proposals are based upon a consensus approach taking into account the following information:

- Information on corresponding Codex commodity standards and the use of food additives in those commodity standards is provided for each food category;
- Additional Information as appropriate; and
- Compilation of the first and second circular comments.

9. These recommendations are based on the “weight of evidence”; that is, comments containing justifications were given more weight than comments with no supporting justification.

10. A full compilation of comments submitted for Appendix 1 (Matters referred from the Codex Secretariat, CCNFSDU44, and JECFA) to the three circulars are available [here](#).

ANNEX 1**MATTERS REFERRED FROM THE CODEX SECRETARIAT RELATED TO THE APPROPRIATE REPLACEMENT NOTES FOR NOTES XS130 AND XS67 ASSOCIATED WITH PROVISIONS IN FC 04.1.2.2****Background**

CAC revoked the *Standards for dried apricots* (CXS 130-1981); *dates* (CXS 143-1985), and *raisins* (CXS 67-1981), as such, the XS notes associated with these commodity standards (XS130 and XS67) need to be replaced. These standards are now included as Annexes in the combined *General standard for dried fruits* (CXS 360-2020). CXS 360-2020 contains a listing of food additive functional classes for dried fruits not covered by individual annexes, and then specific listings of functional classes for each of five annexes (dried apricots, dates, raisins, dried longans, and dried persimmons) which supersede the general listing of functional classes found in the main standard. The revoked standards (CXS 130-1981, CXS 143-1985 and CXS 67-1981) as well as the combined *General standard for dried fruits* (CXS 360-2020) correspond to GSFA food category 04.1.2.2 (Dried fruit).

There is only one provision in the GSFA that currently includes “XS” type exclusion notes corresponding to the revoked standards as follows:

Category No. 04.1.2.2 (Dried Fruit)

Corresponding commodity standards: CODEX STAN 360-2020 (General Standard for Dried Fruits); CXS 177-1991 (Standard for Desiccated Coconut)

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class
TOCOPHEROLS	307a, b, c	200	XS67 & XS130	2018	Antioxidant

XS130: Excluding products conforming to the Standard for Dried Apricots (CODEX STAN 130-1981)

XS67: Excluding products conforming to the Standard for Raisins (CODEX STAN 67-1981)

Category No. 04.1.2.2 (Dried Fruit)

Corresponding commodity standards: CODEX STAN 360-2020 (General Standard for Dried Fruits); CXS 177-1991 (Standard for Desiccated Coconut)

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
TOCOPHEROLS	307a, b, c	200	XS67 & XS130	2018	Antioxidant	Revise Adopted Provision - Maintain use level of 200 mg/kg - Delete Notes XS67 and XS130 - Add New Note “ <i>Excluding dried apricots, dates, raisins, dried longans and dried persimmons conforming to the General Standard for Dried Fruits (CXS 360-2020).</i> ”

ANNEX 2**MATTERS REFERRED FROM THE CODEX SECRETARIAT RELATED TO THE PROVISION FOR JAGUA (GENIPIN-GLYCINE) BLUE (INS 183) IN FCS 01.1.4 AND 01.7 FOR COMMENT FOR CONSIDERATION TO INCLUDE NOTE XS243**

Note from EWG Chair: At CCFA54, the use of Jagua (Genipin-Glycine) blue was considered for use in multiple food categories. Both the GSFA EWG and PWG and Alignment EWG and PWG considered the use of the additive in FCs 01.1.4 and 01.7. As Jagua (Genipin-Glycine) blue was not included in the list of permitted colours in the *Standard for fermented milks* (CXS 243-2003), the Alignment working group recommended the addition of the exclusion note “XS243: Excluding products conforming to the Standard for Fermented Milks (CXS 243-2003)”. However, as the Codex Committee on Milk and Milk Products (CCMMP) is adjourned sine die, the use of new additives in this commodity standard is within the purview of CCFA. Colours are permitted in flavoured products conforming to CXS 243-2003 in FCs 01.1.4 and 01.7. At CCFA54, the GSFA PWG recommended adoption of the provisions without XS243.

The EWG is asked to provide comment as to the use of Jagua (genipin-glycine) blue in products conforming to the *Standard for fermented milks* (CXS 243-2003) in FCs 01.1.4 and 01.7. If it is not appropriate to use Jagua (genipin-glycine) blue in products conforming to the *Standard for fermented milks* (CXS 243-2003), then XS243 would need to be added to these adopted provision. XS243: Excluding products conforming to the Standard for Fermented Milks (CXS 243-2003).

Category No. 01.1.4 (Flavoured fluid milk drinks)

Corresponding commodity standards: CODEX STAN 243-2003: Colours used in accordance with Tables 1 and 2 of the GSFA as well as all colours listed in Table 3 of the GSFA are permitted in flavoured, fermented milks; **CODEX STAN 332R-2018:** Does not address food additive use in Doogh

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
JAGUA (GENIPIN-GLYCINE) BLUE	183	160	52 & 601	2024	Colour	Maintain Adopted Provision at 160 mg/kg with Note 52 and 601 (without XS243)

Category No. 01.7 (Dairy-based desserts (e.g. pudding, fruit or flavoured yoghurt))

Corresponding commodity standards: CODEX STAN 243-2003: Colours used in accordance with Tables 1 and 2 of the GSFA as well as all colours listed in Table 3 of the GSFA are permitted in flavoured desserts based on fermented milks

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
JAGUA (GENIPIN-GLYCINE) BLUE	183	120	600 & 601	2024	Colour	Maintain Adopted Provision at 120 mg/kg with Note 600 and 601 (without XS 243) Chair's Note: We note that there was a typographical error in the original EWG listing for this provision (we listed an ML of 160 mg/kg with Notes 52 and 601). The correct use level of 160 mg/kg and Notes 600 and 601 have been updated.

Category No. 01.1.4 (Flavoured fluid milk drinks)

						<i>As the point of discussion was the inclusion or not of XS243, we don't believe that the error affects the final proposal.</i>
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XS243: Excluding products conforming to the Standard for Fermented Milks (CXS 243-2003).

ANNEX 3A**REVOCATION OF GUAR GUM (INS 412), DISTARCH PHOSPHATE (INS 1412), PHOSPHATED DISTARCH PHOSPHATE (INS 1413), ACETYLATED DISTARCH PHOSPHATE (INS 1414) AND HYDROXYPROPYL STARCH (INS 1440) IN FCS 13.1.1 (INFANT FORMULAE) AND 13.1.3 (FORMULAE FOR SPECIAL MEDICAL PURPOSES FOR INFANTS)****Background**

CCNFSDU44 agreed to inform CCFA that there was no technological need for the use of guar gum (INS 412), distarch phosphate (INS 1412), phosphated distarch phosphate (INS 1413), acetylated distarch phosphate (INS 1414) and hydroxypropyl starch (INS 1440) in foods conforming to *Standard for infant formula and formulas for special medical purposes intended for infants* (CXS 72-1981) which correspond to GSFA food categories 13.1.1 (Infant formulae) and FC 13.1.3 (Formulae for special medical purposes for infants). Based on the information from CCNFSDU, the GSFA EWG is recommending revocation of the provisions for these additives as noted, below:

Category No. 13.1.1 (Infant formulae)

Corresponding commodity standards: CODEX STAN 72-1981: Acidity regulators, antioxidants, carriers, emulsifiers, packaging gases and thickeners used in accordance with Table 1 and Table 2 of the GSFA are permitted in infant formula for special medical purposes

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
ACETYLATED DISTARCH PHOSPHATE	1414	5000	150, 284, 292, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke
DISTARCH PHOSPHATE	1412	5000	150, 284, 292, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke
GUAR GUM	412	1000	14, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke
HYDROXYPROPYL STARCH	1440	5000	150, 284, 292, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke
PHOSPHATED DISTARCH PHOSPHATE	1413	5000	150, 284, 292, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke

Category No. 13.1.3 (Formulae for special medical purposes for infants)

Corresponding commodity standards: CODEX STAN 72-1981: Acidity regulators, antioxidants, carriers, emulsifiers, packaging gases and thickeners used in accordance with Table 1 and Table 2 of the GSFA are permitted in infant formula for special medical purposes

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
ACETYLATED DISTARCH PHOSPHATE	1414	5000	150, 284, 292, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke
DISTARCH PHOSPHATE	1412	5000	150, 284, 292, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke
GUAR GUM	412	1000	14, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke

Category No. 13.1.3 (Formulae for special medical purposes for infants)

HYDROXYPROPYL STARCH	1440	5000	150, 284, 292, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke
PHOSPHATED DISTARCH PHOSPHATE	1413	5000	150, 284, 292, 381 & 551	2023	Emulsifier, Stabilizer, Thickener	Revoke

ANNEX 3B

CONSIDERATION OF THE REMOVAL OF NOTE XS73 (EXCLUDING PRODUCTS CONFORMING TO THE STANDARD FOR CANNED BABY FOODS (CXS 73-1981)) FROM PROVISIONS IN FC 13.2 (COMPLEMENTARY FOODS FOR INFANTS AND YOUNG CHILDREN) TO ALLOW FOR THE USE OF ADDITIVES AS NUTRIENT CARRIERS IN FOODS CONFORMING TO THE STANDARD FOR CANNED BABY FOODS (CXS 73-1981) BASED ON THEIR LISTING IN THE ADVISORY LISTS OF NUTRIENT COMPOUNDS FOR USE IN FOODS FOR SPECIAL DIETARY USES INTENDED FOR INFANTS AND YOUNG CHILDREN (CXG 10-1979) PART D.

Background

During the work of the Alignment EWG for CCFA53, the use of additives as nutrient carriers in foods conforming to the *Standard for canned baby foods* (CXS 73-1981) based on their listing in the Advisory lists of nutrient compounds for use in foods for special dietary uses intended for infants and young children (CXG 10-1979) Part D was considered (see CX/FA 23/53/6). As a result of this discussion, CCFA53 sought guidance from CCNFSDU regarding the use of nutrient carriers listed in Part D of CXS 10-1979. In the interim, XS73 (Excluding products conforming to the Standard for Canned Baby Foods (CODEX STAN 73- 1981)) was included on provisions as appropriate. Subsequently, CCNFSDU44 let CCFA55 know that the *Standard for canned baby foods* (CXS 73-1981) permitted the use of the food additives listed in the *Advisory lists of nutrient compounds for use in foods for special dietary uses intended for infants and young children* (CXG 10-1979) Part D as nutrient carriers.

As a result, the GSFA EWG has been tasked with considering the removal of Note XS73 as appropriate in food category 13.2 (Complementary foods for infants and young children) for additives that can be used as nutrient carriers in accordance with Part D of CXG 10-1979). Note XS73 is attached to several provisions in FC 13.2, but only four provisions (INS 414, 421, 551 and 1450) are for additives listed for use as nutrient carriers based on their listing in the *Advisory lists of nutrient compounds for use in foods for special dietary uses intended for infants and young children* (CXG 10-1979) Part D.

The Alignment EWG for CCFA53 (see CX/FA 23/53/6) noted that food additives listed in CXG 10-1979 as nutrient carriers may be present as a result of carry-over from a raw material or other ingredient (including food additive) used to produce foods conforming to the above commodity standards and guidelines. We have used notes prepared by the Alignment EWG for CCFA53 as a model for the notes proposed, below, to replace the existing XS73 notes.

Category No. 13.2 (Complementary foods for infants and young children)

Corresponding commodity standards: CODEX STAN 73-1981: Acidity regulators, antioxidants, emulsifiers, packaging gases and thickeners used in accordance with Table 1 and Table 2 of the GSFA are permitted in canned baby foods; **CODEX STAN 74-1981:** Acidity regulators, anticaking agents, antioxidants, carriers, emulsifiers, packaging gases, raising agents and thickeners used in accordance with Table 1 and Table 2 of the GSFA are permitted in processed cereal-based foods for infants and young children

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
GUM ARABIC (ACACIA GUM)	414	10,000	273, 592 & XS73	2014	Anticaking agent, Bulking agent, Carrier, Humectant, Stabilizer, Sweetener, Thickener	Revise Adopted Provision - Maintain use level of 10,000 mg/kg and Note 273 - Remove Notes 592 and XS73 - Add New Note: “Except for use only as a nutrient carrier in a raw material or other ingredient used to produce the foods conforming to the Standard for canned baby foods

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						(CXS 73-1981) and the Standard for processed cereal-based foods for infants and young children (CXS 74-1981) at 10 mg/kg in the food as consumed.” Chair’s Note: A comment by an EWG member raised concerns that the new note as originally written would not prevent the use of the additive at the higher use level in CXS 73-1981 and CXS 74-1981 when used for a functional effect other than nutrient carrier. They recommend adding the word “only” in the note to clarify that the additive can only be used as a nutrient carrier in the two standards at 10 mg/kg. We have attempted to address their concern by adding the word “only” above (in bold). This will likely be further discussed during the GSFA PWG.
MANNITOL	421	10	592 & XS73	2023	Anticaking agent, Bulking agent, Carrier, Humectant, Stabilizer, Sweetener, Thickener	Revise Adopted Provision - Maintain use level of 10 mg/kg - Remove Notes 592 and XS73 - Add New Note: “For use only as a nutrient carrier in a raw material or other ingredient used to produce the foods conforming to the Standard for Canned Baby Foods (CXS 73-1981) and the Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981) at 10 mg/kg in the food as consumed.” Chair’s Note: A comment by an EWG member raised concerns that the new note as originally written would not prevent the use of the additive at a higher use level in CXS 73-1981 and CXS 74-1981 when used for a functional effect other than nutrient carrier. They recommend adding the word “only” in the note to clarify that the additive can only be used as a nutrient carrier in the two standards at 10 mg/kg. We have attempted to address their concern by adding the word “only” above (in bold). This will likely be further discussed during the GSFA PWG
SILICON DIOXIDE, AMORPHOUS	551	2000	318, 592 & XS73	2023	Anticaking agent, Bulking agent, Carrier, Humectant, Stabilizer, Sweetener, Thickener	Revise Adopted Provision - Maintain use level of 2000 mg/kg and Note 318 - Remove Notes 592 and XS73 - Add New Note: “Except for use only as a nutrient carrier in a raw material or other ingredient used to produce the foods conforming to the Standard for canned baby foods (CXS 73-1981) and the Standard for processed cereal-based foods for infants and young children (CXS 74-1981) at 10 mg/kg in the food as consumed.” Chair’s Note: A comment by an EWG member raised concerns that the new note as originally written would not prevent the use of the additive at the higher use level in CXS 73-1981 and CXS 74-1981 when used for a functional effect other than nutrient carrier. They recommend adding the word “only” in the note to clarify that the additive can only

Category No. 13.2 (Complementary foods for infants and young children)

						<i>be used as a nutrient carrier in the two standards at 10 mg/kg. We have attempted to address their concern by adding the word “only” above (in bold). This will likely be further discussed during the GSFA PWG</i>
STARCH SODIUM OCTENYL SUCCINATE	1450	50000	269, 49 & XS73	2023	Anticaking agent, Bulking agent, Carrier, Humectant, Stabilizer, Sweetener, Thickener	Revise Adopted Provision - Maintain use level of 50000 mg/kg and Note 269. - Remove Notes 49 and XS73 - Add New Note: “Except for use only as a nutrient carrier in a raw material or other ingredient used to produce the foods conforming to the Standard for canned baby foods (CXS 73-1981) and the Standard for processed cereal-based foods for infants and young children (CXS 74-1981) at 100 mg/kg in the food as consumed.” Chair’s Note: A comment by an EWG member raised concerns that the new note as originally written would not prevent the use of the additive at the higher use level in CXS 73-1981 and CXS 74-1981 when used for a functional effect other than nutrient carrier. They recommend adding the word “only” in the note to clarify that the additive can only be used as a nutrient carrier in the two standards at 10 mg/kg. We have attempted to address their concern by adding the word “only” above (in bold). This will likely be further discussed during the GSFA PWG

Note 49: For use as a nutrient carrier in a raw material or other ingredient used to produce the foods conforming to the Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981) at 100 mg/kg.

Note 52: Excluding chocolate milk.

Note 269: Singly or in combination: INS 1404, 1410, 1412, 1413, 1414, 1420, 1422, 1450 and 1451 in products conforming to the Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981).

Note 273: Singly or in combination: INS 410, 412, 414, 415 and 440 except for use at 20 000 mg/kg in gluten-free cereal based foods in products conforming to the Standard for Processed Cereal-Based Foods for Infants and Young Children (CODEX STAN 74-1981).

Note 318: In dry cereal only.

Note 592: For use as a nutrient carrier in a raw material or other ingredient used to produce the foods conforming to the Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981) at 10 mg/kg.

Note XS73: Excluding products conforming to the Standard for Canned Baby Foods (CODEX STAN 73-1981).

ANNEX 4**MATTERS REFERRED FROM JECFA RELATED TO HIGH EXPOSURE TO POLYGLYCEROL ESTERS OF FATTY ACIDS (INS 475) FOR COMMENT ON TECHNOLOGICAL JUSTIFICATION AND RECONSIDERATION OF ACTUAL USE AND USE LEVELS FOR ALL ADOPTED PROVISIONS IN THE GSFA FOR INS 475****Background**

The 99th JECFA noted potential high exceedance of the ADI for polyglycerol esters of fatty acids (INS 475) based on estimated dietary exposure using the current food categories and maximum use levels included in the GSFA. As a result, JECFA requested that the CCFA review and revise current uses of INS 475 including the maximum permitted levels and the food categories in which the additive is permitted. For each of the 56 adopted provisions for INS 475, the GSFA EWG is being requested to verify that INS 475 is used in that food category, indicate the use level necessary to achieve the technological effect in that food category, and provide information on technological justification. Based on this information, the GSFA EWG will consider if uses in adopted food categories can be revoked or if existing maximum use levels can be reduced.

Category No. 01.1.2 (Other fluid milk (plain))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	1000	410	2018	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 770 mg/kg - Maintain Note 410

Category No. 01.1.4 (Flavoured fluid milk drinks)

Corresponding commodity standards: CODEX STAN 243-2003: Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA or listed in Table 3 of the GSFA are permitted in fermented milks; CODEX STAN 332R-2018: Does not discuss food additive use in Doogh

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	2000	629	2024	Emulsifier, Stabilizer	Maintain Adopted Provision - Maintain use level at 2000 mg/kg - Maintain Note 629

Category No. 01.3.2 (Beverage whiteners)

Corresponding commodity standards: CODEX STAN 250-2006: Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers and stabilizers listed in Table 3 of the GSFA are permitted in blends of evaporated skimmed milk and vegetable fat; **CODEX STAN 252-2006:** Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers and stabilizers listed in Table 3 of the GSFA are permitted in blends of sweetened condensed skimmed milk and vegetable fat

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	352, XS250 & XS252	2016	Emulsifier, Stabilizer	Maintain Adopted Provision - Maintain use level at 5000 mg/kg - Maintain Notes 352, XS250 & XS252

Category No. 01.4.1 (Pasteurized cream (plain))

Corresponding commodity standards: CODEX STAN 288-1976: Emulsifiers and stabilizers are permitted in pre-packaged liquid cream

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	6000	626	2024	Emulsifier, Stabilizer	Maintain Adopted Provision - Maintain use level at 6000 mg/kg - Maintain Notes 626

Category No. 01.4.2 (Sterilized and UHT creams, whipping and whipped creams, and reduced fat creams (plain))

Corresponding commodity standards: CODEX STAN 288-1976: Emulsifiers and stabilizers are permitted in whipping cream

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	6000		2016	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 5000 mg/kg

Category No. 01.4.3 (Clotted cream (plain))

Corresponding commodity standards: CODEX STAN 288-1976: Emulsifiers and stabilizers are permitted in cream packed under pressure

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	6000		2016	Emulsifier, Stabilizer	Maintain Adopted Provision - Maintain use level at 6000 mg/kg

Category No. 01.4.4 (Cream analogues)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	8000		2016	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 7,100 mg/kg - Add New Note <i>"Except for use at 19,000 mg/kg in products intended for subsequent heat sterilization."</i>

Category No. 01.5.2 (Milk and cream powder analogues)

Corresponding commodity standards: CODEX STAN 251-2006: Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers and stabilizers listed in Table 3 of the GSFA are permitted in blends of skimmed milks and vegetable fat in powdered form

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	XS251	2016	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 750 mg/kg - Maintain Note XS251

Category No. 01.6.4 (Processed cheese)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class	Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000		2018		Emulsifier, Stabilizer	Revise Adopted Provision - Revise use level to 10,000 mg/kg Chair's Note: Higher use level is based on request of one member country due to need to maintain physical properties of processed cheese, such as preventing oil separation, during heat treatment in subsequent processing.

Category No. 01.6.5 (Cheese analogues)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class	Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000		2016		Emulsifier, Stabilizer	Revise Adopted Provision - Revise use level to 10,000 mg/kg Chair's Note: Higher use level is based on request of one member country due to need to maintain physical properties of cheese analogue, such as preventing oil separation, during heat treatment in cooking or processing.

Category No. 01.7 (Dairy-based desserts (e.g. pudding, fruit or flavoured yoghurt))

Corresponding commodity standards: none

Category No. 01.7 (Dairy-based desserts (e.g. pudding, fruit or flavoured yoghurt))

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	354 & 629	2024	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 2000 mg/kg - Maintain Note 629 Chair's Note: If the use level is lowered to 2000 mg/kg then Note 354 is not needed.

Category No. 02.1.2 (Vegetable oils and fats)

Corresponding commodity standards: CODEX STAN 33-1981: Emulsifiers and stabilizers are not permitted in olive oils and olive pomace oils; CODEX STAN 210-1999: Emulsifiers used in accordance with Table 1 and 2 of the GSFA are permitted, except no additives are permitted in virgin or cold-pressed oils; CODEX STAN 325R-2017: No food additives are permitted in unrefined shea butter

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	10000	356, XS33, XS325R & 542	2023	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 02.2.2 (Fat spreads, dairy fat spreads and blended spreads)

Corresponding commodity standards: CODEX STAN 253-2006: Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers and stabilizers listed in Table 3 of the GSFA are permitted in dairy fat spreads with <70% milk fat content; CODEX STAN 256-2007: Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA are permitted in fat spreads and blended spreads

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	359 & 557	2023	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 02.3 (Fat emulsions mainly of type oil-in-water, including mixed and/or flavoured products based on fat emulsions)

Corresponding commodity standards: none

Category No. 02.3 (Fat emulsions mainly of type oil-in-water, including mixed and/or flavoured products based on fat emulsions)

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	20000	363	2016	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 5000 mg/kg - Maintain Note 363

Category No. 02.4 (Fat-based desserts excluding dairy-based dessert products of food category 01.7)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	2000		2016	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 03.0 (Edible ices, including sherbet and sorbet)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000		2016	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 4100 mg/kg

Category No. 04.1.2.8 (Fruit preparations, including pulp, purees, fruit toppings and coconut milk)

Corresponding commodity standards: CODEX STAN 240-2003: this additive is not permitted in aqueous coconut products (coconut milk and coconut cream);
CODEX STAN 314R-2013: No additives are permitted in date paste

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	XS240 & XS314R	2016	Emulsifier, Stabilizer	Revoke

Category No. 04.1.2.9 (Fruit-based desserts, including fruit-flavoured water-based desserts)**Corresponding commodity standards:** none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000		2016	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 100 mg/kg

Category No. 04.1.2.11 (Fruit fillings for pastries)**Corresponding commodity standards:** none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	2000		2016	Emulsifier, Stabilizer	Revoke

Category No. 05.1.1 (Cocoa mixes (powders) and cocoa mass/ cake)

Corresponding commodity standards: **CODEX STAN 105-1981:** Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers and stabilizers listed in Table 3 of the GSFA are permitted in cocoa powders and dry mixtures of cocoa and sugars; **CODEX STAN 141-1983:** Emulsifiers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers listed in Table 3 of the GSFA are permitted in cocoa mass and cocoa cake

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	97 & XS141	2016	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 3750 mg/kg - Maintain Notes 97 & XS141

Category No. 05.1.5 (Imitation chocolate, chocolate substitute products)**Corresponding commodity standards:** none

Category No. 05.1.5 (Imitation chocolate, chocolate substitute products)

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	2000	366	2016	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 05.2 (Confectionary including hard and soft candy, nougats, etc. other than food categories 05.1, 05.3, and 05.4)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	2000	367 & XS309R	2016	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 05.3 (Chewing gum)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000		2016	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 05.4 (Decorations (e.g. for fine bakery wares), toppings (non-fruit) and sweet sauces)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	2000	368	2016	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 06.3 (Breakfast cereals, including rolled oats)

Corresponding commodity standards: none

Category No. 06.3 (Breakfast cereals, including rolled oats)

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	10000	369	2016	Emulsifier, Stabilizer	Revise Adopted Provision - Lower maximum use level to 2100 mg/kg - Revise Note 369 to the following: <i>"For use at 10,000 mg/kg in granola-type breakfast cereals."</i>

Category No. 06.4.3 (Pre-cooked pastas and noodles and like products)

Corresponding commodity standards: CODEX STAN 249-2006: Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers and stabilizers listed in Table 3 of the GSFA are permitted in instant noodles

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	2000	194	2016	Emulsifier, Stabilizer	Maintain existing provision

Category No. 06.5 (Cereal and starch based desserts (e.g. rice pudding, tapioca pudding))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	9000		2016	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 60 mg/kg

Category No. 07.1.1 (Breads and rolls)

Corresponding commodity standards: none

Category No. 07.1.1 (Breads and rolls)

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class	Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	10000	372	2016	Emulsifier, Stabilizer		Revise Adopted Provision - Lower use level to 1000 mg/kg - Maintain Note 372

Category No. 07.1.2 (Crackers, excluding sweet crackers)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class	Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	6000		2016	Emulsifier, Stabilizer		Revise Adopted Provision - Lower maximum use level to 2500 mg/kg

Category No. 07.1.3 (Other ordinary bakery products (e.g. bagels, pita, English muffins))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class	Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	6000		2016	Emulsifier, Stabilizer		Revise Adopted Provision - Lower maximum use level to 300 mg/kg

Category No. 07.1.4 (Bread-type products, including bread stuffing and bread crumbs)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	10000		2016	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 07.1.5 (Steamed bread and buns)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	10000		2016	Emulsifier, Stabilizer	Revoke

Category No. 07.1.6 (Mixes for bread and ordinary bakery wares)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	15000	11	2016	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 07.2.1 (Cakes, cookies and pies (e.g. fruit-filled or custard types))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	10000		2016	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 07.2.2 (Other fine bakery products (e.g. doughnuts, sweet rolls, scones, and muffins))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	10000		2016	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 07.2.3 (Mixes for fine bakery wares (e.g. cakes, pancakes))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	16000	451	2019	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 15,000 mg/kg - Maintain Note 451

Category No. 08.4 (Edible casings (e.g. sausage casings))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	365	2017	Emulsifier, Stabilizer	Revoke

Category No. 09.2.1 (Frozen fish, fish fillets, and fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: **CODEX STAN 36-1981:** Emulsifiers and stabilizers are not listed for use in quick-frozen finfish; **CODEX STAN 92-1981:** Emulsifiers and stabilizers are not listed for use in quick-frozen shrimp or prawns; **CODEX STAN 95-1981:** Emulsifiers and stabilizers are not listed for use in quick frozen lobsters; **CODEX STAN 165-1989:** Emulsifiers and stabilizers are not listed for use in quick frozen blocks of fish fillet, minced fish flesh and mixtures of fillets and minced fish flesh; **CODEX STAN 190-1995:** Emulsifiers and stabilizers are not listed for use in quick frozen fish fillets; **CODEX STAN 191-1995:** No additives permitted in quick frozen raw squid; **CODEX STAN 292-2008:** No additives permitted in live or raw bivalve molluscs; **CODEX STAN 312-2013:** No additives permitted in live, raw fresh chilled or frozen abalone; **CODEX STAN 315-2014:** No additives permitted in scallop meat and roe-on scallop meat, stabilizers used in accordance with Tables 1 and 2 of the GSFA are permitted in quick frozen scallop meat and quick frozen roe-on scallop meat processed with phosphates

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	241	2018	Emulsifier, Stabilizer	Revoke

Category No. 09.2.4.1 (Cooked fish and fish products)

Corresponding commodity standards: none

Category No. 09.2.4.1 (Cooked fish and fish products)

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	1000	412	2018	Emulsifier, Stabilizer	Revise adopted provision - Lower use level to 10 mg/kg - Remove Note 412 (<i>"For use in fish sausage only"</i>) - Add Note 241 (<i>"For use in surimi products only"</i>)

Category No. 09.2.4.3 (Fried fish and fish products, including mollusks, crustaceans and echinoderms)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	41	2018	Emulsifier, Stabilizer	Revise adopted provision - Lower use level to 1200 mg/kg - Maintain Note 41 (<i>"For use in breading or batter coatings only"</i>)

Category No. 09.3.1 (Fish and fish products, including mollusks, crustaceans, and echinoderms, marinated and/or in jelly)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	1000	414	2018	Emulsifier, Stabilizer	Revoke

Category No. 09.3.2 (Fish and fish products, including mollusks, crustaceans, and echinoderms, pickled and/or in brine)

Corresponding commodity standards: none

Category No. 09.3.2 (Fish and fish products, including mollusks, crustaceans, and echinoderms, pickled and/or in brine)

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	1000	415	2018	Emulsifier, Stabilizer	Revoke

Category No. 10.2 (Egg products)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	1000		2018	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 10.4 (Egg-based desserts (e.g. custard))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	6000		2018	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 2000 mg/kg

Category No. 12.5.1 (Ready-to-eat soups and broths, including canned, bottled, and frozen)

Corresponding commodity standards: CODEX STAN 117-1981: Emulsifiers and stabilizers used in accordance with Tables 1, 2, and 3 of the GSFA are permitted

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	400	XS117	2018	Emulsifier, Stabilizer	Revise Adopted Provision - Maintain use level at 400 mg/kg - Maintain Note XS117

Category No. 12.5.1 (Ready-to-eat soups and broths, including canned, bottled, and frozen)

						- Add New Note: "Except for use in ready-to-eat soups subject to extended hot-holding conditions at retail at 3,000 mg/kg"
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Category No. 12.5.2 (Mixes for soups and broths)

Corresponding commodity standards: CODEX STAN 117-1981: Emulsifiers and stabilizers used in accordance with Tables 1, 2, and 3 of the GSFA are permitted

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	3000	127, XS117	2018	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 12.6.1 (Emulsified sauces and dips (e.g. mayonnaise, salad dressing, onion dip))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000		2018	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 12.6.2 (Non-emulsified sauces (e.g. ketchup, cheese sauce, cream sauce, brown gravy))

Corresponding commodity standards: CXS 306-2023: Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers and stabilizers listed in Table 3 of the GSFA are permitted in chili sauce

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	582	2023	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 12.6.3 (Mixes for sauces and gravies)

Corresponding commodity standards: none

Category No. 12.6.3 (Mixes for sauces and gravies)

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	127	2018	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 13.3 (Dietetic foods intended for special medical purposes (excluding products of food category 13.1))

Corresponding commodity standards: CODEX STAN 118-1981: Does not discuss food additive use; CXG 95-20229: Only certain emulsifiers used in accordance with Table 3 of the GSFA are permitted in ready-to-use therapeutic foods

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	1000	566	2023	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 13.4 (Dietetic formulae for slimming purposes and weight reduction)

Corresponding commodity standards: CODEX STAN 181-1991: Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers and stabilizers listed in Table 3 of the GSFA are permitted in formula foods for use in weight-control diets; CODEX STAN 203-1995: Emulsifiers and stabilizers used in accordance with Tables 1 and 2 of the GSFA as well as some emulsifiers and stabilizers listed in Table 3 of the GSFA are permitted in formula foods for use in formula foods for use in very low energy diets for weight reduction

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	1000		2018	Emulsifier, Stabilizer	Maintain Adopted Provision

Category No. 13.6 (Food supplements)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	18000		2018	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 4000 mg/kg

Category No. 13.6 (Food supplements)

						- Add New Note "Except for use at 300,000 mg/kg in food supplements in solid forms as sold to the consumer only"
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Category No. 14.1.4 (Water-based flavoured drinks, including "sport," "energy," or "electrolyte" drinks and particulated drinks)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class	Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	127	2019	Emulsifier, Stabilizer		Revise Adopted Provision - Lower use level to 1000 mg/kg - Remove Note 127 "On the served to the consumer basis." Chair's Note: Based on discussions related to the need for notes pertaining to "on a consumer basis," we do not believe that Note 127 is necessary as the Preamble to the GSFA specifies "Unless otherwise specified, maximum use levels for additives in Tables 1 and 2 are set on the final product as consumed."

Category No. 14.1.5 (Coffee, coffee substitutes, tea, herbal infusions, and other hot cereal and grain beverages, excluding cocoa)

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class	Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	5000	127	2019	Emulsifier, Stabilizer		Revise Adopted Provision - Lower use level to 1200 mg/kg - Remove Note 127 "On the served to the consumer basis."

Category No. 14.1.5 (Coffee, coffee substitutes, tea, herbal infusions, and other hot cereal and grain beverages, excluding cocoa)

						Chair's Note: Based on discussions related to the need for notes pertaining to "on a consumer basis," we do not believe that Note 127 is necessary as the Preamble to the GSFA specifies "Unless otherwise specified, maximum use levels for additives in Tables 1 and 2 are set on the final product as consumed."
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Category No. 14.2.7 (Aromatized alcoholic beverages (e.g. beer, wine, and other hot cereal and spirituous cooler-type beverages, low alcoholic refreshers))

Corresponding commodity standards: none

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	20		2018	Emulsifier, Stabilizer	Revise adopted provision -Increase use level to 150 mg/kg Chair's Note: Higher use level is based on request of one member country that this food additive is necessary to maintain the physical properties of certain beverages containing flavorings, milk components, or essential-oil constituents. Other additives were unable to achieve the required technological performance, and failure to use this substance at the specified concentration could compromise product stability, potentially leading to issues such as phase separation.

Category No. 15.1 (Snacks – potato, cereal, flour or starch based (from roots and tubers, pulses, and legumes))

Corresponding commodity standards: none

Category No. 15.1 (Snacks – potato, cereal, flour or starch based (from roots and tubers, pulses, and legumes))

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Class Functional	Final EWG Proposal
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	2000		2018	Emulsifier, Stabilizer	Revise Adopted Provision - Lower use level to 1600 mg/kg

Appendix 2

REPLIES TO CL 2025/29-FA (ERYTHROSINE)

1. Among several topics, CCFA55 requested the EWG on the GSFA to CCFA56 to consider:¹
 - Replies from CL 2025/29-FA to seek information on the actual use of erythrosine (INS127) in products conforming to the *Standard for canned raspberries* (CXS 60-1981) and the *Standard for canned strawberries* (CXS 62-1981) (CL 2024/58-FA).

Introduction:

2. During the discussion of CX/FA 25/55/7 Appendix 1 during the PWG, for the provision for erythrosine (INS 127) used in Food Category 04.1.2.4 (Canned or bottled (pasteurized) fruit), the Chair noted that the JECFA exposure estimate from the 86th JECFA meeting (see the Toxicological Monograph for Erythrosine, WHO Food Additive Series: 77) for erythrosine (INS 127) includes cocktail cherries and candied cherries at a use level of 200 mg/kg. Based on the JECFA exposure estimate, it was proposed to add a new note (i.e., Note 678 as presented in the GSFA (2025 version).) to cover the use of erythrosine (INS 127) in standardized and non-standardized cherries as “For use only in sweet cherries conforming to the *Standard for canned stone fruits* (CXS 242-2003) and non-standardized cocktail cherries and candied cherries.” However, there are two other commodity standards that permit the use of erythrosine beyond just cherries in this food category: the *Standard for Canned Raspberries* (CXS 60-1981) and the *Standard for Canned Strawberries* (CXS 62-1981). As these uses were not included in the exposure estimate from the 86th JECFA for erythrosine (INS 127), the Chair suggested to not include these uses in the provision at this time.

3. It was further noted that since the Alignment EWG is scheduled to consider these standards at CCFA57, to help inform the Alignment EWG to make a proposal to revise the standards if erythrosine (INS 127) is no longer found to be used in products covered by these standards, the EWG of the GSFA for CCFA56 would consider information on the actual use of erythrosine (INS 127) in products conforming to CXS 60-1981 and CXS 62-1981 and consider proposals for changes to the provision and commodity standards, accordingly.

4. As a result of the discussion, the PWG requested the Codex Secretariat issue a CL to seek information on the actual use of erythrosine (INS127) in products conforming to the *Standard for Canned Raspberries* (CXS 60-1981) and the *Standard for Canned Strawberries* (CXS 62-1981).

Working Document:

5. CL 2025/29-FA was issued in April 2025 and the EWG on the GSFA requested comments on the proposals pertaining to the use of Erythrosine (INS127) in products conforming to the *Standard for Canned Raspberries* (CXS 60-1981) and the *Standard for Canned Strawberries* (CXS 62-1981).

6. The current document presents proposals for changes to the *Standard for canned raspberries* (CXS 60-1981) and the *Standard for canned strawberry* (CXS 62-1981)s.

7. These proposals are based upon a consensus approach taking into account the following information:

- Information on corresponding Codex commodity standards and the use of food additives in those commodity standards is provided for each food category;
- Additional Information as appropriate; and
- [Compilation of the comments received through the Codex Online Commenting System \(OCS\) in response to CL 2025/29-FA.](#)

8. These recommendations are based on the “weight of evidence”; that is, comments containing justifications were given more weight than comments with no supporting justification.

¹ REP 25/FA, para. 110(v).

Summary of Comments received for use of Erythrosine (INS127) in products conforming to the Standard for Canned Raspberries (CXS 60-1981) and the Standard for Canned Strawberries (CXS 62-1981) in response to CL 2025/29-FA

Of the ten comments received in response to CL 2025/29-FA, no comments identified the use of erythrosine (INS 127) in canned raspberries, and only one comment identified products containing erythrosine (INS 127) in canned strawberries. The comment indicating use in canned strawberries noted that erythrosine (INS 127) was found in imported canned strawberries at levels ranging from 10 to 40 mg/kg.

Third Circular EWG Proposal

As indicated above, there was no use indicated for erythrosine in canned raspberries, and only limited use of erythrosine in canned strawberries.

Recommended changes to Standard for Canned Raspberries (CXS 60-1981)

The listing for colours in CXS 60-1981 currently appears as follows:

3. FOOD ADDITIVES

Maximum level

3.1 Colours

3.1.1 Erythrosine - CI 45430) 300 mg/kg of the final product

3.1.2 Ponceau 4 R - CI 16255) singly or in combination

We recommend that erythrosine be removed from the standard, and the language pertaining to “singly or in combination” also be removed. The revised standard would appear as follows:

3. FOOD ADDITIVES

Maximum level

3.1 Colours

3.1.1 Ponceau 4 R - CI 16255) 300 mg/kg of the final product

EWG Comments on proposed changes to the Standard for Canned Raspberries (CXS 60-1981)

Australia, Chile, EU: Supports

RU: Ponceau 4 R - CI 16255) could be used in this FC in ML= 200 mg/kg of the final product

Final EWG Proposal:

Remove erythrosine from the Standard for Canned Raspberries (CXS 60-1981)

Remove the language pertaining to “singly or in combination”.

The revised standard would appear as follows:

3. FOOD ADDITIVES

Maximum level

3.1 Colours

3.1.1 Ponceau 4 R - CI 16255) 300 mg/kg of the final product

Recommended changes to Standard for Canned Strawberries (CXS 62-1981)

As canned strawberry products in international commerce were identified that contain erythrosine, it may not be appropriate to just remove erythrosine from the Standard for Canned Strawberries (CXS 62-1981). However, the products in commerce were found to contain levels of erythrosine at levels up to 40 mg/kg, which is lower than the level currently permitted in the standard (300 mg/kg, singly or in combination with Ponceau 4R (INS 124)). As a result, we recommend revising the standard as follows (text removed shown in ~~strikeout text~~, and additions shown in **bold underlined text**):

3.2 Colours

3.2.1 Érythrosine – CI 45 430) ~~300~~ **40 mg/kg of the final product,**

3.2.2 Ponceau 4R – CI 16 255) **300 mg/kg of the final product ~~singly or in combination~~**

EWG Comments on proposed changes to the Standard for Canned Strawberries (CXS 62-1981)

Australia, Chile: Supports

EU: Considers that removal of or reduction in the use level of erythrosine in CXS 62-1981 is step in the right direction as (i) the JECFA ADI of erythrosine is very low (0.1 mg/kg bw/d), (ii) the use in canned strawberries was not considered in the JECFA exposure estimates, and (iii) the most refined JECFA exposure estimates (based on analytical data) and considering the use of erythrosine in cocktail cherries and candied cherries only are already close to the upper bound of the ADI.

As the ML of 40 ppm is not negligible, the EU considers that the provision for the use of erythrosine in CXS 62-1981 should be made interim pending the verification by JECFA that the exposure to erythrosine when used in accordance with the Codex provisions does not exceed the ADI.

RU: The colour erythrosine is not approved for use in the food industry in RU and the member countries of the Eurasian Economic Union (EEU).

Ponceau 4 R - CI 16255) could be used in this FC in ML= 200 mg/kg of the final product

Final EWG Proposal:**3.2 Colours**

3.2.1 Érythrosine – CI 45 430) ~~300~~ **40** mg/kg of the final product,

3.2.2 Ponceau 4R – CI 16 255) **300 mg/kg of the final product** ~~singly or in combination~~

Appendix 3

PROVISIONS CONSIDERED DURING CCFA55 THAT REQUIRE ADDITIONAL CONSIDERATION

1. Among several topics, CCFA55 requested the EWG on the GSFA to CCFA56 to consider:¹
 - The adopted provisions for indigotine (INS 132) in FC 04.1.2.8, and allura red (INS 129) and indigotine (INS 132) in FC 04.1.2.11 for comment for consideration of lower use level;
 - The adopted provision for caramel III - ammonia caramel (INS 150c) in FC 04.2.2.2 for comment on technological justification and actual use level;
 - The draft provision for annatto extracts, bixin-based 160b(i) and the adopted provision for caramel III - ammonia caramel (INS 150c) in FC 04.2.2.8 for comment on technological justification and actual use level;
 - The draft provisions for caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in FCs 08.1 and 08.3 and the adopted provisions for caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in the parent FC 08.0 to consider the use of the provisions in all appropriate subcategories based on technological justification and appropriate use level.

Introduction**Background on adopted provisions for indigotine (INS 132) in FC 04.1.2.8, and allura red (INS 129) and indigotine (INS 132) in FC 04.1.2.11 for comment for consideration of lower use level**

2. During the discussion of the revision of several adopted provisions, some members noted concern that lowering the use level of adopted provisions during the PWG beyond what was considered during the EWG could result in trade implications for countries that adopt the GSFA as their food additive regulations. A search of the discussions of the PWG indicated that this concern would affect three provisions: indigotine (INS 132) in Food Category 04.1.2.8 (Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds), and alura Red (INS 129) and indigotine (INS 132) in Food Category 04.1.2.11 (Fruit fillings for pastries). To take into account this concern, the PWG recommends that the proposed changes for these three adopted provisions be put on hold, and the adopted provisions recirculated for comment for consideration of the proposed lower use levels.

Background on adopted provision for caramel III - ammonia caramel (INS 150c) in FC 04.2.2.2 for comment on technological justification and actual use level

3. During the discussion of Caramel III - ammonia caramel (INS 150c) in Food Category 04.2.2.2 (Dried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds), one Member Organization raised the concern about the relatively high use level in this food category, and sought additional information from the PWG members on technological justification and actual use level of the additive in products. However, no member of the PWG was able to provide additional information at the time. As a result, the Chair suggested to hold the changes to this adopted provision, and to recirculate the provision for consideration of the request for technological justification and the actual use level in products in this food category and consideration of removal of Note 161.

Background on draft provision for annatto extracts, bixin-based 160b(i) and adopted provision for caramel III - ammonia caramel (INS 150c) in FC 04.2.2.8 for comment on technological justification and actual use level

4. During the discussion on the use of colours in food category 04.2.2.8 (Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera) and seaweeds), it was noted by one Member Organization that there is only one food additive permitted in this food category, and that both commodity standards associated with the food category do not permit colours. Information was sought from the PWG members regarding the technological justification and actual use level of annatto extracts, bixin-based (INS 160b(i)) and caramel III – Ammonia Caramel (INS 150c) in this food category.

No member of the PWG was able to provide the requested information during the PWG. As a result, the Chair suggested to hold the provision for annatto extracts, bixin-based (INS 160b(i)) in the Step process and hold the proposed changes to the adopted provision for caramel III – ammonia Caramel (INS 150c) in this food category, and to recirculate them for consideration of the request for technological justification and the actual use level in products in this food category.

¹ REP 24/FA, para. 105(i, ii, and iv).

Background on draft provisions for caramel III – ammonia Caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in FCs 08.1 and 08.3 and the adopted provisions for caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in the parent FC 08.0 to consider the use of the provisions in all appropriate subcategories based on technological justification and appropriate use level

5. The Chair summarized general concerns expressed by Member Countries during the EWG regarding the use of colours in Food Categories 08.1.1 (Fresh meat, poultry and game, whole pieces or cuts) and 08.1.2 (Fresh meat, poultry and game, comminuted) as the use of colours in these food categories could mislead the consumer. It was also noted that the descriptor for Food Category 08.1 (Fresh meat, poultry, and game) indicates that colours may be used for purposes of health marking. During the EWG, comments were also received regarding the appropriateness of the use of Note 4 (“For use in decoration, stamping, marking or branding the product only”) and Note 16 (“For use in glaze, coatings or decorations for fruit, vegetables, meat or fish only”). Based on these discussions, the Chair noted that the general practice from the comments received by the EWG were as follows:

- i) Note 4 is appropriate for use in Food Category 08.1.1, but it is not appropriate for use in Food Category 08.1.2;
- ii) Note 16 is not appropriate for use in Food Category 08.1.1 or 08.1.2. The general practices were agreed to by the PWG for the purposes of considering the colour provisions in Food Categories 08.1.1 and 08.1.2.

During the discussion on the provisions for caramel III – ammonia Caramel (INS 150c) and caramel IV – sulfite ammonia Caramel (INS 150d) in the meat food categories, it was noted that there are currently adopted provisions for the use of caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) at GMP in Food Category 08.0 (Meat and meat products, including poultry and game). Rather than consider the draft provisions for caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in Food Category 08.1.2 (Fresh meat, poultry, and game, comminuted) and Food Category 08.3 (Processed comminuted meat, poultry, and game products), it was determined that it was more appropriate to place these provisions on hold and consider the use of the provisions in Food Category 08.0 and all its subcategories.

Working Document:

6. The EWG on the GSFA issued three circulars for this Appendix requesting comments related to lowering the use level for the adopted provisions for indigotine (INS 132) in FC 04.1.2.8, and allura red (INS 129) and indigotine (INS 132) in FC 04.1.2.11, comments on the technological justification and use level for the adopted provision for caramel III - ammonia caramel (INS 150c) in FC 04.2.2.2, comments on the technological justification and use level for the draft provision for annatto extracts, bixin-based 160b(i) and the adopted provision for caramel III - ammonia caramel (INS 150c) in FC 04.2.2.8 and comments on actual use, technological justification, and use levels for all draft provisions for caramel III – ammonia Caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in FCs 08.1 and 08.3 and the adopted provisions for caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in the parent FC 08.0 to consider the use of the provisions in all appropriate subcategories.

7. The current document presents proposals for each provision under discussion (adopt, adopt with revision, discontinue) in the format of the food categories listed in Table 2 of the GSFA.

8. These proposals are based upon a consensus approach taking into account the following information:

- Information on corresponding Codex commodity standards and the use of food additives in those commodity standards is provided for each food category;
- Additional information as appropriate; and
- Compilation of the first, second, and third circular comments.

8. These recommendations are based on the “weight of evidence”; that is, comments containing justifications were given more weight than comments with no supporting justification.

9. A full compilation of comments submitted for Appendix 3 (Provisions considered during CCFA55 that require additional consideration) to the three circulars are available [here](#).

ANNEX 1**CONSIDERATION OF LOWER USE LEVELS FOR ADOPTED PROVISIONS FOR INDIGOTINE (INS 132) IN FC 04.1.2.8, AND ALLURA RED (INS 129) AND INDIGOTINE (INS 132) IN FC 04.1.2.11**

Background: During the discussion of the three provisions, below, during the GSFA PWG at CCFA55, some members noted concern that lowering the use level of adopted provisions during the PWG beyond what was considered during the EWG could result in trade implications for countries that adopt the GSFA as their food additive regulations. To take into account this concern, the CCFA55 GSFA PWG recommended that the proposed lower use levels for these three adopted provisions be put on hold, and the adopted provisions recirculated for comment by the GSFA EWG for CCFA56 for consideration of the proposed lower use levels.

Chair's note: Members of the EWG are requested to provide information on the use level necessary for each of the three provisions listed below. The final EWG proposal from CCFA55 is provided to assist members with the discussion.

Category No. 04.1.2.8 (Fruit preparations, including pulp, purees, fruit topping and coconut milk)

Corresponding commodity standards: CODEX STAN 240-2003: Colours are not permitted in aqueous coconut products; **CODEX STAN 314R-2013:** Additives are not permitted in date paste

Additive	INS	Max Level (mg/kg)	Notes	Step Adopted /	INS Functional Class	Final EW Proposal
INDIGOTINE (INDIGO CARMINE)	132	150	161, 182 & XS314R	2024	Colour	Revise adopted provision - Lower use level to 100 mg/kg - Remove Note 161 - Remove Note 182 - Maintain XS314R - Add Note XS240 (replaces Note 182 in this provision)

Category No. 04.1.2.11 (Fruit fillings for pastries)

Corresponding commodity standards: None

Additive	INS	Max Level (mg/kg)	Notes	Step Adopted /	INS Functional Class	Final EWG Proposal
ALLURA RED AC	129	300	161	2009	Colour	Revise adopted provision - Maintain use level at 300 mg/kg

Category No. 04.1.2.11 (Fruit fillings for pastries)

						- Remove Note 161
INDIGOTINE (INDIGO CARMINE)	132	150	161	2009	Colour	Revise adopted provision - Lower use level to 100 mg/kg - Remove Note 161

ANNEX 2**ADOPTED PROVISION FOR CARAMEL III - AMMONIA CARAMEL (INS 150C) IN FC 04.2.2.2 FOR COMMENT ON TECHNOLOGICAL JUSTIFICATION AND ACTUAL USE LEVEL**

Background: During the discussion of the provision, below, during the GSFA PWG at CCFA55, one Member Organization raised the concern about the relatively high use level in this food category, and sought additional information from the PWG members on technological justification and actual use level of the additive in products. This information was not available during the GSFA PWG, and, as a result, the provision was suggested for recirculation and consideration by the GSFA EWG for CCFA56.

Chair's note: Members of the EWG are requested to provide information on the **actual use level necessary** for the provision listed below. The final EWG proposal from CCFA55 is provided to assist members with the discussion.

Category No. 04.2.2.2 (Dried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds)

Corresponding commodity standards: **CODEX STAN 38-1981:** Colours are not permitted in edible fungi and fungus products; **CODEX STAN 39-1981:** Does not address additives used in dried fungi; **CODEX STAN 321-2015:** Additives are not permitted in ginseng products; **CODEX STAN 323R-2017:** Colours are not permitted in laver products; **CODEX STAN 336R-2020:** Additives are not permitted in kava products; **CODEX STAN 341R-2020:** Colours are not permitted in mixed zaatar

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III – AMMONIA CARAMEL	150c	50000	76, 161 & XS323R	2024	Colour	Revise adopted provision - Lower use level to 25000 mg/kg - Maintain Notes 76 and XS323R - Remove Note 161 - Add notes XS38, XS39, XS321, XS336R, and XS341R

ANNEX 3**TECHNOLOGICAL JUSTIFICATION AND USE LEVEL FOR THE DRAFT PROVISION FOR ANNATTO EXTRACTS, BIXIN-BASED 160B(I) AND THE ADOPTED PROVISION FOR CARAMEL III - AMMONIA CARAMEL (INS 150C) IN FC 04.2.2.8**

Background: During the discussion of the provisions, below, during the GSFA PWG at CCFA55, one Member Organization noted that there is only one food additive permitted in this food category, and that both commodity standards associated with the food category do not permit colours. Information was sought from the PWG members regarding the technological justification and actual use level of Annatto extracts, bixin-based (INS 160b(i)) and caramel III – ammonia caramel (INS 150c) in this food category. This information was not available during CCFA55, and, as a result, the provisions were suggested for recirculation and consideration by the GSFA EWG to CCFA56.

Chair's note: Members of the EWG are requested to provide information on the technological justification and actual use level necessary for the provisions listed below. The final EWG proposals from CCFA55 is provided to assist members with the discussion.

Category No. 04.2.2.8 (Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds)

Corresponding commodity standards: CODEX STAN 323R-2017: Colours are not permitted in laver products; **CODEX STAN 334R-2020:** Colours are not permitted in fermented cooked cassava-based products

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	100	8 & XS323R	3	Colour	Discontinue
CARAMEL III - AMMONIA CARAMEL	150(c)	50000	161 & XS323R	2024	Colour	Revise adopted provision - Lower use level to 25000 mg/kg - Remove Note 161 - Maintain Note XS323R - Add Note XS334R

ANNEX 4**CONSIDERATION OF TECHNOLOGICAL JUSTIFICATION AND USE LEVEL IN ALL APPROPRIATE SUBCATEGORIES FOR DRAFT PROVISIONS FOR CARAMEL III – AMMONIA CARAMEL (INS 150C) AND CARAMEL IV – SULFITE AMMONIA CARAMEL (INS 150D) IN FCS 08.1 AND 08.3 AND THE ADOPTED PROVISIONS FOR CARAMEL III – AMMONIA CARAMEL (INS 150C) AND CARAMEL IV – SULFITE AMMONIA CARAMEL (INS 150D) IN THE PARENT FC 08.0**

Background: During the discussion in the GSFA PWG at CCFA55 on the provisions for Caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in the meat food categories, it was noted that there are currently adopted provisions for the use of caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) at GMP in Food Category 08.0 (Meat and meat products, including poultry and game). Rather than consider the draft provisions for caramel III – ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in Food Category 08.1.2 (Fresh meat, poultry, and game, comminuted) and Food Category 08.3 (Processed comminuted meat, poultry, and game products), it was determined that it was more appropriate to place these provisions on hold and consider the use of the provisions in Food Category 08.0 and all its subcategories. As a result, provisions for caramel III and caramel IV in the meat food categories will be considered at the lowest hierarchy food category possible. In this regard, the adopted provisions for caramel III and caramel IV will be recommended for revocation, and then considered for possible adoption at all lower hierarchy food categories in the meat food categories. Use in these lower hierarchy food categories will be shown in **Bold text** without a Step listed and considered on a case by case basis. There are also provisions in the step process for caramel III and caramel IV in FCs 08.1.2 and 08.3 that will be included in the exercise (and considered at a lower subcategory if appropriate).

Chair's note: The adopted provisions in FC 08.0 are adopted with a use level of GMP. Both Caramel III and Caramel IV have numerical use levels, and thus numerical use levels should be put forward for each food category ultimately recommended to go forward.

Category No. 08.0 (Meat and meat products, including poultry and game)

Corresponding commodity standards: CXS 350R-2022, CXS 96-1981, and CXS 97-1981: Colours are not permitted in products conforming to these standards

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III – AMMONIA CARAMEL	150c	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98	2014	Colour	Revoke provision and consider in subcategories
CARAMEL IV – SULFITE AMMONIA CARAMEL	150d	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98	2014	Colour	Revoke provision and consider in subcategories

Category No. 08.1.1 (Fresh meat, poultry, and game, whole pieces or cuts)

Corresponding commodity standards: None

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Do not consider in this food category <i>Chair's Note: Comments indicated that colour use in this food category is only for marking or branding purposes. However, many comments note that caramel color is not typically used for that</i>

Category No. 08.1.1 (Fresh meat, poultry, and game, whole pieces or cuts)

						<i>purpose in this food category. In addition, Caramel III has a numerical ADI. If members support adoption in this food category, please come prepared to propose appropriate use levels for this food category.</i>
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Do not consider in this food category <i>Chair's Note: Comments indicated that colour use in this food category is only for marking or branding purposes. However, many comments note that caramel color is not typically used for that purpose in this food category. In addition, Caramel IV has a numerical ADI. If members support adoption in this food category, please come prepared to propose appropriate use levels for this food category.</i>

Category No. 08.1.2 (Fresh meat, poultry, and game, comminuted)

Corresponding commodity standards: None

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	5000	335	2	Colour	Adopt at 5000 mg/kg with Note "For use only in breakfast sausages, merguez type products, salsicha fresca, butifarra fresca, longaniza fresca and mici." Remove Note 335.
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	5000	335	2	Colour	Adopt at 5000 mg/kg with Note "For use only in breakfast sausages, merguez type products, salsicha fresca, butifarra fresca, longaniza fresca and mici." Do not include Note 335.

Category No. 08.2.1.1 (Cured (including salted) non-heat treated processed meat, poultry, and game products in whole pieces or cuts)

Corresponding commodity standards: CXS 350R-202: Colours are not permitted in dried meat

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Adopt at 325 mg/kg with Notes 3, 4, 16 and XS350R
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Adopt at 1000 mg/kg with Notes 3, 4, 16 and XS350R

Category No. 08.2.1.2 (Cured (including salted) and dried non-heat treated processed meat, poultry, and game products in whole pieces or cuts)

Corresponding commodity standards: CXS 350R-202: Colours are not permitted in dried meat

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Do not consider in this sub-category
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Do not consider in this sub-category

Category No. 08.2.1.3 (Fermented non-heat treated processed meat, poultry, and game products in whole pieces or cuts)

Corresponding commodity standards: CXS 350R-202: Colours are not permitted in dried meat

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Do not consider in this sub-category
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Do not consider in this sub-category

Category No. 08.2.2 (Heat-treated processed meat, poultry, and game products in whole pieces or cuts)

Corresponding commodity standards: CODEX STAN 96-1981: Only certain Table 3 food additives are acceptable for use in cooked cured ham; CODEX STAN 97-1981: Only certain Table 3 food additives are acceptable for use in cooked cured pork shoulder; CXS 350R-202: Colours are not permitted in dried meat

Additive	INS	Max Level (mg/kg)	Notes	Step Adopted /	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Adopt at 9,600 mg/kg with Notes 3, 4, 16, XS96, XS97 and XS350R.
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Adopt at 3,400 mg/kg with Notes 3, 4, 16, XS96, XS97 and XS350R.

Category No. 08.2.3 (Frozen processed meat, poultry, and game products in whole pieces or cuts)

Corresponding commodity standards: CXS 350R-202: Colours are not permitted in dried meat

Additive	INS	Max Level (mg/kg)	Notes	Step Adopted /	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Adopt at 15,100 mg/kg with Notes 3, 4, 16 and XS350R.
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Adopt at 300 mg/kg with Notes 3, 4, 16 and XS350R.

General question pertaining to use of Note 335 ("For use in products containing vegetable protein only"):

Is Note 335 needed for provisions for caramel III -ammonia caramel (INS 150c) and caramel IV – sulfite ammonia caramel (INS 150d) in Food Category 08.3 and its subcategories?

Comments by EWG members to the use of Note 335:

Chile: believes that INS 150c and 150d can be used in both products containing vegetable protein and those without vegetable protein.

EU: Note 335 refers to products containing vegetable protein only. On the other hand, FC 08.0 and its sub-categories cover all types of meat, poultry and game products. Therefore, products containing vegetable protein only do not appear to be covered by FC 08.0 and its sub-categories based on the existing wording describing the scope of FC 08.0 and its sub-categories.

If the only justification provided for the use in one of the sub-categories of FC 08.0 is related to 'products containing vegetable protein only' such provision(s) should be, in the EU's view, discontinued. The EU observes that products containing vegetable protein may fall, for example, within FC 04.2.2 or FC 06.8 and their sub-categories.

Category No. 08.3 (Processed comminuted meat, poultry, and game products)

Corresponding commodity standards: None

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III AMMONIA CARAMEL	150e	5000	335	2	Colour	Discontinue and consider in subcategories
CARAMEL IV SULFITE AMMONIA CARAMEL	150d	5000	335	2	Colour	Discontinue and consider in subcategories

Category No. 08.3.1.1 (Cured (including salted) non-heat treated processed comminuted meat, poultry, and game products)

Corresponding commodity standards: None

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	5000	335	2	Colour	Adopt at 5,000 mg/kg with Note 373 (For use in sausage only) <i>Chair's Note: The comments received indicate that it may not be appropriate to use Note 335 in this food category. The note either implies that the products only contain vegetable protein (in which case this food category would not be the correct place for them) or it implies that only products with mixed meat and vegetable protein are appropriate (but we have comments indicating caramel is appropriate in meat products alone). Other comments note that caramel color is used only in sausages. As a result, we are proposing to add Note 373 in place of Note 335.</i>

Category No. 08.3.1.1 (Cured (including salted) non-heat treated processed comminuted meat, poultry, and game products)

CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	5000	335	2	Colour	Adopt at 2,000 mg/kg with Note 373 (For use in sausage only) <i>Chair's Note: The comments received indicate that it may not be appropriate to use Note 335 in this food category. The note either implies that the products only contain vegetable protein (in which case this food category would not be the correct place for them) or it implies that only products with mixed meat and vegetable protein are appropriate (but we have comments indicating Caramel is appropriate in meat products alone). Other comments note that caramel color is used only in sausages. As a result, we are proposing to add Note 373 in place of Note 335.</i>
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Category No. 08.3.1.2 (Cured (including salted) and dried non-heat treated processed comminuted meat, poultry and game products)

Corresponding commodity standards: None

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	5000	335		Colour	Adopt at 5,000 mg/kg with Note 373 (For use in sausage only).
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	5000	335		Colour	Adopt at 2,000 mg/kg with Note 373 (For use in sausage only).

Category No. 08.3.1.3 (Fermented non-heat treated processed comminuted meat, poultry, and game products)

Corresponding commodity standards: None

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	5000	335		Colour	Adopt at 5,000 mg/kg with Note 373 (For use in sausage only).
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	5000	335		Colour	Adopt at 5,000 mg/kg with Note 373 (For use in sausage only).

Category No. 08.3.2 (Heat-treated processed comminuted meat, poultry, and game products)

Corresponding commodity standards: CODEX STAN 88-1981: Only certain Table 3 food additives are acceptable for use in corned beef; **CODEX STAN 89-1981:** Colours used in accordance with Tables 1 and 2 of the GSFA or listed in Table 3 of the GSFA are permitted in luncheon meat; **CODEX STAN 98-1981:** Colours used in accordance with Tables 1 and 2 of the GSFA or listed in Table 3 of the GSFA are permitted in cooked cured chopped meat

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	5000	335		Colour	Adopt at 8,600 with Notes XS88, XS89 & XS98 <i>Chair's Note: Use of Note 335 (For use in products containing vegetable protein only) was not considered appropriate for this food category. In addition, it does not seem appropriate to add Note 373 (For use in sausage only) as uses appear to be broader than just sausage.</i>
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	5000	335		Colour	Adopt at 10,000 with Notes XS88, XS89 & XS98 <i>Chair's Note: Use of Note 335 (For use in products containing vegetable protein only) was not considered appropriate for this food category. In addition, it does not seem appropriate to add Note 373 (For use in sausage only) as uses appear to be broader than just sausage.</i>

Category No. 08.3.3 (Frozen processed comminuted meat, poultry, and game products)

Corresponding commodity standards: None

Canada: There are no corresponding commodity standards for FC 08.3.3. As such, Canada recommends removing notes XS88, XS89, and XS98.

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	5000	335		Colour	Adopt at 9,400 with no notes. <i>Chair's Note: Use of Note 335 (For use in products containing vegetable protein only) was not considered appropriate for this food category based on comments received.</i>
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	5000	335		Colour	Adopt at 2,000 with no notes. <i>Chair's Note: Use of Note 335 (For use in products containing vegetable protein only) was not considered appropriate for this food category based on comments received.</i>

Category No. 08.4 (Edible casings (e.g. sausage casings))**Corresponding commodity standards:** None

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
CARAMEL III - AMMONIA CARAMEL	150c	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Adopt at 60,000 with Note 365 (On a casings basis).
CARAMEL IV - SULFITE AMMONIA CARAMEL	150d	GMP	3, 4, 16, XS88, XS89, XS96, XS97 & XS98		Colour	Adopt at 50,000 with Note 365 (On a casings basis).

Appendix 4**ALL COLOUR PROVISIONS IN FC 08.4**

1. Among several topics, CCFA55 requested the EWG on the GSFA to CCFA56 to consider:¹
 - All colour provisions in FC 08.4 (both adopted and in the step process) to establish a consistent reporting basis on the casing basis and consideration of the need for a note to allow conversion to a maximum level in the final food.

Introduction

2. The EWG on the GSFA to CCFA55 compiled draft, and proposed draft provisions for colours in food categories FCs 01.0 through to 08.0 and their subcategories as well as adopted provisions for colours with Note 161 in food categories 01.0 through to 08.0 and their subcategories. When discussing colour additive provisions in food categories 08.4 (Edible casings (e.g. sausage casings)), EWG were asked to comment on the most appropriate reporting basis for food category 08.4. Specifically, the EWG was requested to comment on two questions:

- a. Which reporting basis is most appropriate to report use levels for FC 08.4 (Edible casings (e.g. sausage casings)). Please indicate a preference for one of the options, below, and please provide a reasoning for the choice of option.

Option 1: Use level reported based on the weight of the casing only using a note such as Note 365 (On a casings basis).

Option 2: Use level reported based on the weight of the whole sausage using a note such as Note 304 ((Level of colour corresponds to the finished product as consumed (e.g., the sausage)).

- b. Many of the provisions for colours adopted in FC 08.4 in previous years include Note 16 (For use in glaze, coatings or decorations for fruit, vegetables, meat or fish only.). Is Note 16 appropriate for the use of colours in edible casings, or is the note not needed?

3. During the discussion in the physical work group on the GSFA to CCFA55 on the provisions for colours in food category 08.4, the Chair confirmed that the EWG generally agreed that the inclusion of Note 16 is not appropriate for provisions in food category 08.4. However, the comments received by the EWG on the most appropriate reporting basis in order to determine the actual use levels for the colours in food category 08.4 were essentially split between those preferring a reporting basis on the weight of the casing and those preferring a reporting basis on the weight of the whole food (e.g., sausage).

4. After additional discussion and comments, the PWG gravitated towards a preference to have the reporting basis be on the weight of the casing, however, offered that it would be helpful for regulators to present the use level on the weight of the final food as well. It was suggested to develop a note associated with these provisions to allow conversion from the reporting basis on the casing would be helpful and could use the general indication that the use level of the colour reported on the whole food basis is approximately one percent (1%) of the use level when reported on the casing basis. There was no clear consensus on the language for the new note.

5. The Chair proposed to ask the GSFA EWG for CCFA56 to further refine the reporting basis for colours in Food Category 08.4 on the weight of the casings and develop a note allowing for the conversion to a maximum use level on the whole food basis. This refined approach would then be used to consider adoption of the provisions in the Step process in Food Category 08.4 as well as revise the adopted colour provisions in Food Category 08.4 so that all provisions are reported on a consistent basis.

6. The CCFA55 agreed to hold the provisions in the Step process in food category 08.4 and recirculate for comment all colour provisions in food category 08.4 (both adopted and in the step process) so as to make the reporting basis consistent on the weight of the casing and incorporate notes necessary to allow conversion to a maximum level in the final food.

Working Document:

7. The EWG on the GSFA issued three circulars for this Appendix requesting comments on the note allowing for the conversion of the reporting basis on the weight of the casings to a maximum use level on the whole food basis and comment on the actual use level of colours in Food Category 08.4 to further refine the reporting basis on the weight of the casings.

¹ REP 25/FA, para. 110(xi).

8. The current document presents proposals for each provision under discussion (adopt, adopt with revision, discontinue) in the format of the food categories listed in Table 2 of the GSFA.
9. These proposals are based upon a consensus approach taking into account the following information:
 - A link to the comments from the EWG on the GSFA to CCFA55 on the use of colours in FC 08.4;
 - Information on corresponding Codex commodity standards and the use of food additives in those commodity standards is provided for each food category;
 - Additional information as appropriate; and
 - Compilation of the first, second, and third circular comments.
10. These recommendations are based on the “weight of evidence”; that is, comments containing justifications were given more weight than comments with no supporting justification.
11. A full compilation of comments submitted for Appendix 4 (All colour provisions in FC 08.4) to the three circulars are available [here](#).

ANNEX 1**REQUESTS COMMENTS ON THE NOTE ALLOWING FOR THE CONVERSION OF THE REPORTING BASIS ON THE WEIGHT OF THE CASINGS TO A MAXIMUM USE LEVEL ON THE WHOLE FOOD BASIS**

Note from EWG Chair: Since many of these provisions were already under discussion by the EWG on the GSFA to CCFA55, comments provided at that time might be considered to advise on the use of these colours in products covered under food category 08.4 (see [CCFA55 GSFA EWG Report](#)).

As noted, a consensus was reached at CCFA55 that the reporting basis for the use of colours in FC 08.4 should be reported on the weight of the casing. However, it was also noted that it would be very helpful to have a note that allowed for the conversion of the use level on the weight of the casing to the weight of the whole food. Comments made to the GSFA EWG for CCFA55 indicated that, in general, it could be presumed that the use level considered for the whole food was approximately 1% of the use level on the casings basis. Comments are requested on a proposed note that would allow for general conversion of a use level reported on the casing basis to a reporting basis on the whole food.

Summary of Comments received to the First and Second Circular of the GSFA EWG on the conversion factor between use levels on the weight of the casing and weight of the final food (e.g., sausage):

Comments were received from a number of EWG members. While some commenters indicated a potential conversion factor near 1%, many more commenters indicated that it was not possible to arrive at a single value for a conversion factor due to several factors such as the size of the sausage, thickness of the casing, and even the composition of the casing (e.g., natural casing versus collagen casings). Due to these factors, it was argued that the conversion factor could be as low as 0.5%, or as high as 5.44%.

Recommendations based on comments received.

Due to the wide difference in potential numbers for a conversion factor, it does not seem feasible to establish a note allowing for the conversion of a maximum use level on the casing basis to the final food basis. Such a conversion factor was originally proposed as a compromise between those members who wished the reporting basis to be on the basis of the casing, and those who wished it to be on the basis of the final food (e.g., sausage). However, a conversion note no longer seems feasible.

Based on the comments received, we propose to use the following practices when considering the provisions for colours in FC 08.4:

1. Use levels will be reported on the basis of the weight of the casing.
2. In order to make the use level clear to those using the GSFA, all provisions for colours in FC 08.4 will have Note 365 (On a casings basis).
3. A note allowing for conversion to the final food (e.g., sausage) will NOT be included with the provisions.
4. Other notes associated with each provision will be considered for removal or retainment on a case by case basis.

ANNEX 2**REQUESTS COMMENTS ON THE ACTUAL USE LEVEL OF COLOURS IN FOOD CATEGORY 08.4 TO FURTHER REFINE THE REPORTING BASIS ON THE WEIGHT OF THE CASINGS****Category No. 08.4 (Edible casings (e.g. sausage casings))****General Comments****Corresponding commodity standards:** None**GSFA:** FC is not in the Annex to Table 3. Colours have previously been adopted in this FC**Chair's Note:** Based on comments received from the EWG on the GSFA to CCFA55, it is recommended that Note 16 will not be recommended for any provisions for colours in FC 08.4 considered by this GSFA EWG.

Additive	INS	Max Level (mg/kg)	Notes	Step/ Adopted	INS Functional Class	Final EWG Proposal
ALLURA RED AC	129	300	16	2009	Colour	Revise adopted provision: - Maintain 300 mg/kg - Remove Note 16 - Add Note 365 (On a casing basis)
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	1000	8 & 85	4	Colour	Adopt at 10,000 mg/kg with Notes 8 and 365 <i>Chair's Note: Recommend replacing Note 85 "Use level in sausage casings; residue in sausage prepared with such casings should not exceed 100 mg/kg" with Note 365 for consistency</i>
ANNATTO EXTRACTS, NORBIXIN-BASED	160b(ii)	20	85 & 185	4	Colour	Adopt at 50 mg/kg with Notes 185 and 365
BROWN HT	155	5000		2	Colour	Adopt at 290 mg/kg with Note 365
CARMINES	120	500	16, 178	2005	Colour	Revise adopted provision
CARMINES	120	10000	16 & 178	2	Colour	- revise use level to 11,500 mg/kg - maintain Note 178 -remove Note 16 - add Note 365

Additive	INS	Max Level (mg/kg)	Notes	Step/ Adopted	INS Functional Class	Final EWG Proposal
						If adopted provision is revised, discontinue provision at Step 2.
CAROTENAL, BETA-APO-8'	160e	100	304	2023	Colour	Revise adopted provision - Revise Max Level to 2,000 mg/kg - Remove Note 304 - Add note 365
CAROTENES, BETA-	160a(i), a(iii),a(iv)	50	304, 341, 344	2023	Colour	Revise adopted provision - Revise Max Level to 1,500 mg/kg - Remove Note 304 - Maintain Note 341 and 344 - Add Note 365
CAROTENES, BETA-, VEGETABLE	160a(ii)	50	304, 341, 344	2023	Colour	Revise adopted provision - Revise Max Level to 1,500 mg/kg - Remove Note 304 - Maintain Note 341 and 344 - Add Note 365
CURCUMIN	100(i)	500	16	7	Colour	Adopt at 4,000 mg/kg with Note 365
FAST GREEN FCF	143	100	3, 4	2009	Colour	Revise adopted provision - Revise max level to 290 mg/kg - Remove Notes 3 and 4 - Add Note 365
GRAPE SKIN EXTRACT	163(ii)	5000		2009	Colour	Revise adopted provision - Maintain use level at 5,000 mg/kg - Add Note 365
IRON OXIDES	172(i)-(iii)	1000	72	2005	Colour	Revise adopted provision

Additive	INS	Max Level (mg/kg)	Notes	Step/ Adopted	INS Functional Class	Final EWG Proposal
IRON OXIDES	172(i)-(iii)	5000	72	2	Colour	- Revise use level to 1,000 mg/kg - Remove Note 72 - Add Note 365 If adopted provision is revised, discontinue provision in step process.
LUTEIN FROM TAGETES ERECTA	161b(i)	GMP		4	Colour	Discontinue: Lutein from Tagetes Erecta is a Table 3 food additive (GMP) and FC 08.4 is not in the Annex to Table 3
PAPRIKA EXTRACT	160c(ii)	9000	39	2	Colour	Adopt at 20,000 mg/kg with Notes 39 and 365.
PONCEAU 4R (COCHINEAL RED A)	124	500	16	2008	Colour	Revise adopted provision - Maintain use level at 500 mg/kg - Remove Note 16 - Add Note 365
SUNSET YELLOW FCF	110	300	16	2008	Colour	Revise adopted provision - Revise use level to 1,500 mg/kg - Remove Note 16 - Add Note 365
TARTRAZINE	102	300		2	Colour	Adopt at 300 mg/kg with Note 365
ZEAXANTHIN, SYNTHETIC	161h(i)	GMP		4	Colour	Discontinue: Zeaxanthin, synthetic is a Table 3 food additive (GMP) and FC 08.4 is not in the Annex to Table 3

Appendix 5**COLOURS IN FC 09.0 AND THEIR SUBCATEGORIES**

1. Among several topics, CCFA55 requested the EWG on the GSFA to CCFA56 to consider:¹
 - Draft and proposed draft provisions for colours in FC 09.0 and their subcategories; and
 - Adopted provisions for colours with Note 161 in FCs 09.0 and their subcategories.

Introduction

2. To continue to advance provisions for colours through the step process, CCFA55 requested that the GSFA EWG for CCFA56 consider the provisions for colours, both adopted provisions with Note 161 associated with them and provisions in the step process, in food category 09.0 (Fish and fish products, including molluscs, crustaceans, and echinoderms) and their subcategories.

Working Document:

3. The EWG on the GSFA issued three circulars for this Appendix requesting comments on the draft and proposed draft provisions for colours in FCs 09.0 and their subcategories as well as adopted provisions for colours in FCs 09.0 and their subcategories.
4. The current document presents proposals for each provision under discussion (adopt, adopt with revision, discontinue) in the format of the food categories listed in Table 2 of the GSFA.
5. These proposals are based upon a consensus approach taking into account the following information:
 - Information on corresponding Codex commodity standards and the use of food additives in those commodity standards is provided for each food category;
 - Additional Information as appropriate; and
 - Compilation of the first, second, and third circular comments.
6. These recommendations are based on the “weight of evidence”; that is, comments containing justifications were given more weight than comments with no supporting justification.
7. A full compilation of comments submitted for Appendix 5 (Colours in FC 09.0 and their subcategories) to the three circulars are available [here](#).

¹ REP 25/FA, para. 110(xi).

Category No. 09.1 (Fresh fish and fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: **FC 09.1.2 (CODEX STAN 292-2008:** Food additives are not permitted in live bivalve molluscs, Antioxidants in raw bivalve molluscs are permitted in accordance with GSFA; **CODEX STAN 312-2013:** Food additives are not permitted in live abalone, raw fresh chilled or frozen abalone; **CODEX STAN 315-2014:** No food additives are permitted in scallop meat and roe-on scallop meat, Acidity regulators, humectants, sequestrants and stabilizers are permitted in accordance with GSFA in quick frozen scallop meat and quick frozen roe-on scallop meat processed with phosphates

GSFA: FC is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.1 (Fresh fish and fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	25	4, 8 & 16	4	Colour	Discontinue
CARAMEL II - SULFITE CARAMEL	150b	30000	4 & 16	4	Colour	Discontinue

Category No. 09.1.1 (Fresh fish)

Corresponding commodity standards: None

GSFA: Parent FC 09.1 is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.1.1 (Fresh fish)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
AZORUBINE (CARMOISINE)	122	300	4, 16 & 50	7	Colour	Discontinue
BEET RED	162	GMP	4, 16 & 50	7	Colour	Discontinue
BRILLIANT BLACK (BLACK PN)	151	300	4, 16 & 50	7	Colour	Discontinue
BROWN HT	155	300	4, 16 & 50	7	Colour	Discontinue
CARAMEL I - PLAIN CARAMEL	150a	GMP	4, 16 & 50	7	Colour	Discontinue

Category No. 09.1.1 (Fresh fish)						
Additive	INS	Max Level (mg/kg)	Notes	Step Adopted	INS Functional Class	Final EWG Proposal
CHLOROPHYLLS	140	GMP	4, 16 & 50	7	Colour	Discontinue
CURCUMIN	100(i)	300	4, 16 & 50	7	Colour	Discontinue
LUTEIN FROM TAGETES ERECTA	161b(i)	300	4, 16 & 50	4	Colour	Discontinue
QUINOLINE YELLOW	104	300	4, 16 & 50	7	Colour	Discontinue
TARTRAZINE	102	300	4, 16 & 50	7	Colour	Discontinue
TITANIUM DIOXIDE	171	GMP	4, 16 & 50	7	Colour	Discontinue

Category No. 09.1.2 (Fresh mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: CODEX STAN 292-2008: Food additives are not permitted in live bivalve molluscs, Antioxidants in raw bivalve molluscs are permitted in accordance with GSFA; **CODEX STAN 312-2013:** Food additives are not permitted in live abalone, raw fresh chilled or frozen abalone; **CODEX STAN 315-2014:** No food additives are permitted in scallop meat and roe-on scallop meat, Acidity regulators, humectants, sequestrants and stabilizers are permitted in accordance with GSFA in quick frozen scallop meat and quick frozen roe-on scallop meat processed with phosphates

GSFA: Parent FC 09.1 is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.1.2 (Fresh mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step Adopted	INS Functional Class	Final EWG Proposal
AZORUBINE (CARMOISINE)	122	500	4 & 16	7	Colour	Discontinue
BEET RED	162	GMP	4 & 16	7	Colour	Discontinue
BRILLIANT BLACK (BLACK PN)	151	500	4 & 16	7	Colour	Discontinue
BROWN HT	155	500	4 & 16	7	Colour	Discontinue

Category No. 09.1.2 (Fresh mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step Adopted	INS Functional Class	Final EWG Proposal
CARAMEL I - PLAIN CARAMEL	150a	GMP	4 & 16	7	Colour	Discontinue
CHLOROPHYLLS	140	GMP	4 & 16	7	Colour	Discontinue
CURCUMIN	100(i)	500	4 & 16	7	Colour	Discontinue
QUINOLINE YELLOW	104	500	4 & 16	7	Colour	Discontinue
TARTRAZINE	102	500	4 & 16	7	Colour	Discontinue
TITANIUM DIOXIDE	171	GMP	4 & 16	7	Colour	Discontinue

Category No. 09.2 (Processed fish and fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: **FC 09.2.1: (CODEX STAN 36-1981:** Antioxidants are permitted in accordance with GSFA; **CODEX STAN 92-1981:** Acidity regulators, antioxidants, colours, humectants and preservatives are permitted in accordance with GSFA; **CODEX STAN 95-1981:** Antioxidants, humectants and preservatives are permitted in accordance with GSFA; **CODEX STAN 165-1989:** Acidity regulators, antioxidants, humectants and thickeners are permitted in accordance with GSFA; **CODEX STAN 190-1995:** Antioxidants and humectants are permitted in accordance with GSFA; **CODEX STAN 191-1995:** No food additives are permitted in these products; **CODEX STAN 292-2008:** No food additives are permitted in live bivalve mollusks, antioxidants are permitted in raw bivalve mollusks as listed in Tables 1 and 2 of the GSFA in FC 09.1.2 and 09.2.1 ; **CODEX STAN 312-2013:** Food additives are not permitted in live abalone, raw fresh chilled or frozen abalone; **CODEX STAN 315-2014:** No food additives are permitted in scallop meat and roe-on scallop meat, Only acidity regulators, humectants, sequestrants and stabilizers are permitted in quick frozen scallop meat and quick frozen roe-on scallop meat processed with phosphates); **FC 09.2.2: (CODEX STAN 166-1989:** Antioxidants and humectants (for use in all products conforming to CXS 166-1989); acidity regulators and thickeners (for minced fish flesh only); and colours, emulsifiers, flavour enhancers, raising agents, and thickeners (for breaded or batter coatings) are permitted in accordance with GSFA), and **FC 09.2.5: (CODEX STAN 167-1989:** Preservatives are permitted in accordance with GSFA; **CODEX STAN 189-1993:** No additives are permitted; **CODEX STAN 222-2001:** Flavour enhancers and sequestrants are permitted in accordance with GSFA; **CODEX STAN 236-2003:** No additives are permitted; **CODEX STAN 244-2004:** Acidity regulators, antioxidants and preservatives are permitted in accordance with GSFA; **CODEX STAN 311-2013:** Acidity regulators, colours and preservatives and only certain Table 3 acidity regulators, antioxidants and packaging gases as indicated in Table 3 of the GSFA are permitted in smoked fish, Acidity regulators, colours and preservatives only certain Table 3 acidity regulators, antioxidants and packaging gases as indicated in Table 3 of the GSFA are permitted in smoke-flavoured fish, No additives are permitted in smoke-dried fish

GSFA: FC is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.2 (Processed fish and fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, NORBIXIN-BASED	160b(ii)	100	185, 305, XS36, XS92, XS95, XS165, XS190, XS191, XS292, XS312 & XS315	4	Colour	Discontinue in parent food category 09.2 and consider use in FC 09.2.5 (based on comment from Japan).
CARAMEL II - SULFITE CARAMEL	150b	30000		4	Colour	Adopt at 1,250 mg/kg with Notes XS36, XS95, XS165, XS166, XS167, XS189, XS190, XS191, XS222, XS236, XS244, XS292, XS311, and XS312. Chair's Note: Based on request submitted to third circular.
CURCUMIN	100(i)	50		4	Colour	Discontinue in parent category 09.2 and consider in subcategory 09.2.5.
LYCOPENE, BLAKESLEA TRISPORA	160d(iii)	100	95	4	Colour	Discontinue
LYCOPENE, SYNTHETIC	160d(i)	100	95	4	Colour	Discontinue
LYCOPENE, TOMATO	160d(ii)	100	95	4	Colour	Discontinue in parent category and consider in FC 09.2.4.1 and 09.2.4.3.
PAPRIKA EXTRACT	160c(ii)	150	39	2	Colour	Discontinue

Category No. 09.2.1 (Frozen fish, fish fillets, and fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: CODEX STAN 36-1981: Antioxidants are permitted in accordance with GSFA; CODEX STAN 92-1981: Acidity regulators, antioxidants, colours, humectants and preservatives are permitted in accordance with GSFA; CODEX STAN 95-1981: Antioxidants, humectants and preservatives are permitted in accordance with GSFA; CODEX STAN 165-1989: Acidity regulators, antioxidants, humectants and thickeners are permitted in accordance with GSFA; CODEX STAN 190-1995: Antioxidants and humectants are permitted in accordance with GSFA; CODEX STAN 191-1995: No food additives are permitted in these products; CODEX STAN 292-2008: Permits use of specific colours are permitted in accordance with GSFA; CODEX STAN 312-2013: Food additives are not permitted in live abalone, raw fresh chilled or frozen abalone; CODEX STAN 315-2014: No food additives are permitted in scallop meat and roe-on scallop meat, Only acidity regulators, humectants, sequestrants and stabilizers are permitted in quick frozen scallop meat and quick frozen roe-on scallop meat processed with phosphates

GSFA: Parent FC 09.2 is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.2.1 (Frozen fish, fish fillets, and fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step Adopted /	INS Functional Class	Final EWG Proposal
AMARANTH	123	300		7	Colour	Discontinue
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	25	8	4	Colour	Discontinue
AZORUBINE (CARMOISINE)	122	500	95	7	Colour	Discontinue
BEET RED	162	GMP		7	Colour	Discontinue
BRILLIANT BLACK (BLACK PN)	151	500	95	7	Colour	Discontinue
BROWN HT	155	500	95	7	Colour	Discontinue
CARAMEL I - PLAIN CARAMEL	150a	GMP	95	7	Colour	Discontinue
CHLOROPHYLLS	140	GMP	95	7	Colour	Discontinue
CURCUMIN	100(i)	500	95	7	Colour	Discontinue Chair's Note: While there is some member country support, a number of member countries have asked for discontinuation. If member countries support adoption, please bring information on technological justification and actual product use to provide to the PWG. We note that there are already adopted provisions for colours in FC 09.2.1 (with Note 95 and multiple XS notes).
LUTEIN FROM TAGETES ERECTA	161b(i)	500	95	4	Colour	Discontinue
QUINOLINE YELLOW	104	500	95	7	Colour	Discontinue
TARTRAZINE	102	500		7	Colour	Discontinue
TITANIUM DIOXIDE	171	GMP	95	7	Colour	Discontinue

Category No. 09.2.2 (Frozen battered fish, fish fillets, and fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: CODEX STAN 166-1989: Antioxidants and humectants (for use in all products conforming to CXS 166-1989); acidity regulators and thickeners (for minced fish flesh only); and colours, emulsifiers, flavour enhancers, raising agents, and thickeners (for breaded or batter coatings) are permitted in accordance with GSFA

GSFA: Parent FC 09.2 is in the Annex to Table 3. Colours have previously been adopted in this FC

Chair's Request for Comment: *We note that all adopted provisions for colours in FC 09.2.2 contain Note 16 (For use in glaze, coatings or decorations for fruit, vegetables, meat or fish only.). However, there have also been comments supplied by EWG members that Note 41 (For use in breaded or batter coatings only.) may be appropriate. We also note that there is inconsistency in the use of Note 16 and Note 41 in the draft provisions.*

Please comment on whether Note 16 or Note 41 is more appropriate for association with these colours. Comments will support determining which Note should be applied consistently across the proposed provisions.

Comments by EWG members on the 2nd Circular:

Australia: Considers that use of colourings in this food class are technologically justified depending on application, which are generally in the batter or coating component of the food only. Therefore, Australia consider Note 41 to be the most appropriate for this food class rather than note 16. This comment applies to all provisions in this category.

Canada: It appears that CCFA has considered glazed, battered fish to be subsumed under this FC (e.g., carrageenan is permitted for use as a glazing agent). Therefore, it may be appropriate, in some cases, for additives to be used in glazes, while in other cases, the additives made be used in batters or breaded coatings. It seems that CCFA would have to make the case-by-case determination on the appropriate use of the coloring.

New Zealand: The more specific note (Note 41) is more suited to specific FC for battered product

Norway: If the use of colours is related to the use of batters, which is the only relevant use we are aware of in this food category, we consider note 41 to be more appropriate than note 16.

RU: Regulations for the content of colorants in glazes, coatings, and semi-finished products are established in a separate special category. The use of colorants in this food category lacks technological justification and may mislead consumers about the properties of the food product.

NATCOL: Colours can be used in glazes/marinades/sauces and seasonings used with fish in addition to use in breadings and batters. Surimi and similar products (e.g. imitation crab products) are regularly coloured and may also be battered.

Summary of Comments to 2nd Circular:

Several EWG members noted that in their opinion, Note 41 is more appropriate for use than Note 16 in this food category. One EWG member note that some colours are used for the purposes of glazes/marinades/sauces and seasonings in this food category in addition to use in breadings and batters. Another EWG member notes that a "case by case" basis may be best based on how each particular colour is used.

Based on the comments received, it may be most appropriate to consider the application of Notes 16 and 41 on a "case by case" basis. In the opinion of the Chair, Note 16 (For use in glaze, coatings or decorations for fruit, vegetables, meat or fish only) could include the use of breaded and batter coatings, and thus is more permissive in that it also permits use in glazes and decorations. Note 41 (For use in breaded or batter coatings only) would be more restrictive in that it only permits the use of breaded and batter coatings, not glazes or decorations. It does not seem appropriate to use both notes.

It may be useful to consider the descriptor for food category 09.2.2:

09.2.2 Frozen battered fish, fish fillets and fish products, including molluscs, crustaceans, and echinoderms:

Uncooked product prepared from fish or fish portions, with dressing in eggs and bread crumbs or batter. Examples include: frozen raw breaded or batter-coated shrimp; and frozen or quick-frozen breaded or battercoated fish fillets, fish portions and fish sticks (fish fingers).

Based on the descriptor above, it appears that this food category primarily consists of frozen breaded and battered products. In addition, all of the product example pictures provided appear to be for breaded and battered products. Thus, Note 41 may be most appropriate for this food category. However, there have been some comments indicating that use in glazes and decorations are also appropriate for this food category.

To assist with determining which note or set of notes is most appropriate, we first want to ask if the term “coating” in Note 16 (For use in glaze, coatings or decorations for fruit, vegetables, meat or fish only) would cover breaded and batter coatings. If so, Note 16 could be used in cases where use of the color is indicated for use in glazings, decorations and breading and batter coatings. However, if the term “coatings” in Note 16 would not cover breading and batter coatings, then more than one note may be necessary in cases where glazes, decorations and breading and batter coatings are needed.

Please provide your opinion below.

Request Comment on whether the Chair’s interpretation regarding Notes 16 and 41 is supported by the EWG:

Option 1: Agree that the term “coatings” in Note 16 (For use in glaze, coatings or decorations for fruit, vegetables, meat or fish only) would include the use of breading and batter coatings.

Option 2: Do not agree that Note 16 includes the use of breading and batter coatings.

Comments by EWG members to the Third Circular:

Australia: Agrees with option 1

Brazil: Option 2. According to the FC descriptor, products in this FC are frozen raw breaded or batter-coated fish, molluscs, crustaceans or echinoderms. Note 16 does not seem appropriate to include breading and batter coatings. The proposed use of Note 16 to account for colours used for the purposes of glazes/marinades/sauces and seasonings in this FC needs further explanation and examples.

In Brazil, there is a specific FC for batter for fish. Considering the provisions for the use of colours in batters are listed in the GSFA FC 06.6, we consider that colours do not need to be included in FC 09.2.2. In case the Committee considers that the provisions for the use of colours in batters should be also listed in FC 09.2.2, Note 41 should be used: “For use in breading or batter coatings only”.

Canada: Agrees with the Chair and supports Option 1. We note that the descriptor for FC 09.2.2 mentions “batter-coated” specifically.

EU: Agrees that the scope of Note 16 warrants clarification. The EU observes that both Note 16 and Note 41 have been applied to the provisions in FC 09.2.2. In that regard it may be helpful to clarify what was the intention of using Note 16 in the adopted provisions of this FC to understand (i) whether or not the term “coatings” in Note 16 covers breading and batters and (ii) whether the intention was to cover any uses not related to breading and batters. As the EU is not aware of the need for the use of colours in this FC, except for in breaded and battered products, the EU still considers that Note 41 is the appropriate default option for the colour provisions in this FC (provided the Committee considers that the provisions for the use of colours need to be in FC 09.2.2 in addition to FC 06.6).

Norway: As the word “coating” is included in both notes, we agree that the use of both notes for the same provision would seem redundant. Note 16 appears to be wider/more permissive. We therefore recommend using note 41 when the technological justification is for use in breading or batter coatings, which in our view would be most of, if not all, provisions in this category. Note 16 should only be used in the few instances where glazes and decorations are relevant and technologically justified. For which breaded/battered fish products are the use of colours appropriate, except for in the breading/coating?

NATCOL: Would support that Note 16 includes the use of all coatings generally including breading and batter coatings.

Category No. 09.2.2 (Frozen battered fish, fish fillets, and fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	50	8 & 257	4	Colour	Adopt at 80 mg/kg with Notes 8, 41 (For use in breading or batter coatings only) and 257. Chair's Note: Did not include XS166 as Note 257 clarifies the use of the color in products covered by the standard.
AZORUBINE (CARMOISINE)	122	500	16	7	Colour	Adopt at 290 mg/kg with Note 41 (For use in breading or batter coatings only) and XS166
BEET RED	162	GMP	16	7	Colour	Adopt at GMP with Note 41 (For use in breading or batter coatings only) and XS166
BRILLIANT BLACK (BLACK PN)	151	500	16	7	Colour	Adopt at 160 mg/kg with Note 41 (For use in breading or batter coatings only) and XS166
BROWN HT	155	500	16	7	Colour	Adopt at 240 mg/kg with Note 41 (For use in breading or batter coatings only) and XS166
CARAMEL I - PLAIN CARAMEL	150a	GMP	41	2017	Colour	Maintain adopted provision
CARAMEL I - PLAIN CARAMEL	150a	GMP	41	7	Colour	Discontinue provision in step process.
CHLOROPHYLLS	140	GMP	16	7	Colour	Adopt at GMP with Note 41 (For use in breading or batter coatings only) and XS166
CURCUMIN	100(i)	500	16	7	Colour	Adopt at 200 mg/kg with Note 41 (For use in breading or batter coatings only) and XS166
PAPRIKA EXTRACT	160c(ii)	100	39	2	Colour	Adopt at 200 mg/kg with Note 39, Note 41 (For use in breading or batter coatings only) and XS166
QUINOLINE YELLOW	104	500	16	7	Colour	Adopt at 290 mg/kg with Note 41 (For use in breading or batter coatings only) and XS166
TARTRAZINE	102	500	16	7	Colour	Adopt at 290 mg/kg with Note 41 (For use in breading or batter coatings only) and XS166

Category No. 09.2.2 (Frozen battered fish, fish fillets, and fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step Adopted	INS Functional Class	Final EWG Proposal
TITANIUM DIOXIDE	171	GMP	16	7	Colour	Adopt at GMP with Note 41 (For use in breading or batter coatings only) and XS166

Category No. 09.2.3 (Frozen minced and creamed fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: None

GSFA: Parent FC 09.2 is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.2.3 (Frozen minced and creamed fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	50	8	4	Colour	Discontinue
AZORUBINE (CARMOISINE)	122	500	16	7	Colour	Discontinue
BEET RED	162	GMP	16	7	Colour	Discontinue
BRILLIANT BLACK (BLACK PN)	151	500	16	7	Colour	Discontinue
BROWN HT	155	500	16	7	Colour	Discontinue
CARAMEL I - PLAIN CARAMEL	150a	GMP	16	7	Colour	Discontinue
CHLOROPHYLLS	140	GMP	16	7	Colour	Discontinue
CURCUMIN	100(i)	500	16	7	Colour	Discontinue
QUINOLINE YELLOW	104	500	16	7	Colour	Discontinue
TARTRAZINE	102	500	16	7	Colour	Adopt at 500 mg/kg with New Note "For use in fish roe and sea urchin only"
TITANIUM DIOXIDE	171	GMP	16	7	Colour	Discontinue

Category No. 09.2.4 (Cooked and/or fried fish and fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: None

GSFA: Parent FC 09.2 is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.2.4 (Cooked and/or fried fish and fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	50	8	4	Colour	Discontinue; Consider in subcategories

Category No. 09.2.4.1 (Cooked fish and fish products)

Corresponding commodity standards: None

GSFA: Parent FC 09.2 is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.2.4.1 (Cooked fish and fish products)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
AMARANTH	123	300		7	Colour	Discontinue
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	50	8		Colour	Adopt at 30 mg/kg with Note 8 and Note 95 (<i>"For non-standardized foods: for use in surimi and fish roe products only"</i>)
AZORUBINE (CARMOISINE)	122	500		7	Colour	Adopt at 15 mg/kg
BEET RED	162	GMP		7	Colour	Adopt at GMP with New Note <i>"For use in fish floss (sakura denbu) only"</i>
BRILLIANT BLACK (BLACK PN)	151	500		7	Colour	Adopt at 100 mg/kg with Note 95
BROWN HT	155	500		7	Colour	Adopt at 100 mg/kg with Note 95
CARAMEL I - PLAIN CARAMEL	150a	GMP		7	Colour	Adopt at GMP with Note 95

Category No. 09.2.4.1 (Cooked fish and fish products)						
CHLOROPHYLLS	140	GMP		7	Colour	Adopt at GMP with Note 95
CURCUMIN	100(i)	500		7	Colour	Adopt at 420 mg/kg with Note 95
LYCOPENE, TOMATO	160d(ii)	100	95		Colour	Adopt at GMP with Note 95 Chair's Note: This provision is moved down from the parent category (FC 09.2) based on a member request. INS 160d(ii) has an ADI Not Specified which is traditionally listed at GMP.
PAPRIKA EXTRACT	160c(ii)	25	39	2	Colour	Adopt at 35 mg/kg with Note 39 and Note 95
QUINOLINE YELLOW	104	500		7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
TARTRAZINE	102	500		7	Colour	Adopt at 100 mg/kg with Note 95
TITANIUM DIOXIDE	171	GMP		7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.

Category No. 09.2.4.2 (Cooked mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: None

GSFA: Parent FC 09.2 is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.2.4.2 (Cooked mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step/ Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	50	8		Colour	Do not consider in this subcategory Chair's Note: If use is supported, please provide justification and examples of use in this food category.
AZORUBINE (CARMOISINE)	122	250		7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.

Category No. 09.2.4.2 (Cooked mollusks, crustaceans, and echinoderms)						
BEET RED	162	GMP		7	Colour	Discontinue Chair's Note: <i>If use is supported, please provide justification and examples of use in this food category.</i>
BRILLIANT BLACK (BLACK PN)	151	250		7	Colour	Discontinue Chair's Note: <i>If use is supported, please provide justification and examples of use in this food category.</i>
BROWN HT	155	250		7	Colour	Discontinue Chair's Note: <i>If use is supported, please provide justification and examples of use in this food category.</i>
CARAMEL I - PLAIN CARAMEL	150a	GMP		7	Colour	Adopt at GMP
CHLOROPHYLLS	140	GMP		7	Colour	Discontinue Chair's Note: <i>If use is supported, please provide justification and examples of use in this food category.</i>
CURCUMIN	100(i)	250		7	Colour	Discontinue Chair's Note: <i>If use is supported, please provide justification and examples of use in this food category.</i>
LUTEIN FROM TAGETES ERECTA	161b(i)	250		4	Colour	Discontinue
PAPRIKA EXTRACT	160c(ii)	60	39	2	Colour	Adopt at 60 mg/kg with Note 39 and New Note "Except for use in surimi type products at 180 mg/kg"
QUINOLINE YELLOW	104	250		7	Colour	Discontinue Chair's Note: <i>If use is supported, please provide justification and examples of use in this food category.</i>
TARTRAZINE	102	250		7	Colour	Adopt at 400 mg/kg with Note 479 ("For use in cooked mollusks only")
TITANIUM DIOXIDE	171	GMP		7	Colour	Discontinue Chair's Note: <i>If use is supported, please provide justification and examples of use in this food category.</i>

Category No. 09.2.4.3 (Fried fish and fish products, including mollusks, crustaceans, and echinoderms)**Corresponding commodity standards:** None**GSFA:** Parent FC 09.2 is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.2.4.3 (Fried fish and fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
AMARANTH	123	300		7	Colour	Discontinue
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	50	8		Colour	Do not consider in this subcategory. Chair's Note: If use is supported, please provide justification and examples of use in this food category.
AZORUBINE (CARMOISINE)	122	500	16	7	Colour	Adopt at 100 mg/kg with Note 16
BEET RED	162	GMP	16	7	Colour	Adopt at GMP with Note 16
BRILLIANT BLACK (BLACK PN)	151	500	16	7	Colour	Adopt at 100 mg/kg with Note 16 Chair's Note: If use is supported at a higher use level, please provide justification and examples of use in this food category.
BROWN HT	155	500	16	7	Colour	Adopt at 100 mg/kg with Note 16
CARAMEL I - PLAIN CARAMEL	150a	GMP	16	7	Colour	Adopt at GMP with Note 16
CHLOROPHYLLS	140		16	7	Colour	Adopt at GMP with Note 16
CURCUMIN	100(i)	500	16	7	Colour	Adopt at 100 mg/kg with Note 16 Chair's Note: All currently adopted colours in FC 09.2.4.3 currently contain Note 16. For consistency, we have included it here.
LYCOPENE, TOMATO	160d(ii)	100	95		Colour	Adopt at GMP with Note 16 Chair's Note: This provision is moved down from the parent category (FC 09.2) based on a member request.
QUINOLINE YELLOW	104	500	16	7	Colour	Adopt at 100 mg/kg with Note 16
TARTRAZINE	102	500	16	7	Colour	Adopt at 100 mg/kg with Note 16

Category No. 09.2.4.3 (Fried fish and fish products, including mollusks, crustaceans, and echinoderms)						
TITANIUM DIOXIDE	171	GMP	16	7	Colour	Discontinue Chair's Note: <i>If use is supported, please provide justification and examples of use in this food category.</i>

Category No. 09.2.5 (Smoked, dried, fermented, and/or salted fish and fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: CODEX STAN 167-1989: Preservatives are permitted in accordance with GSFA; **CODEX STAN 189-1993:** No additives are permitted; **CODEX STAN 222-2001:** Flavour enhancers and sequestrants are permitted in accordance with GSFA; **CODEX STAN 236-2003:** No additives are permitted; **CODEX STAN 244-2004:** Acidity regulators, antioxidants and preservatives are permitted in accordance with GSFA; **CODEX STAN 311-2013:** Acidity regulators, colours and preservatives and only certain Table 3 acidity regulators, antioxidants and packaging gases as indicated in Table 3 of the GSFA are permitted in smoked fish, Acidity regulators, colours and preservatives only certain Table 3 acidity regulators, antioxidants and packaging gases as indicated in Table 3 of the GSFA are permitted in smoke-flavoured fish, No additives are permitted in smoke-dried fish

GSFA: Parent FC 09.2 is in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.2.5 (Smoked, dried, fermented, and/or salted fish and fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step/ Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	10	8, 382, XS167, XS189, XS222, XS236 & XS244	2018	Colour	Maintain adopted provision
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	15	8	4	Colour	Discontinue provision in step process
ANNATTO EXTRACTS, NORBIXIN-BASED	160b(ii)	100	185, 305, XS36, XS92, XS95, XS165, XS190, XS191, XS292, XS312 & XS315		Colour	Adopt at 45 mg/kg with Note 50 (<i>"For use in fish roe only"</i>), XS167, XS189, XS222, XS236, XS244 and XS311 Chair's Note: <i>This provision is moved down from the parent category (FC 09.2) based on a member request to use in fish roe.</i>
BEET RED	162	GMP	22 & XS311	7	Colour	Adopt at GMP with Notes 22, XS167, XS189, XS222, XS236, XS244 and XS311

Category No. 09.2.5 (Smoked, dried, fermented, and/or salted fish and fish products, including mollusks, crustaceans, and echinoderms)							
CARAMEL I - PLAIN CARAMEL	150a	GMP		7	Colour	Adopt at GMP with Notes XS167, XS189, XS222, XS236, XS244 and XS311	
CURCUMIN	100(i)	50			Colour	Adopt at 20 mg/kg with Note 50 ("For use in fish roe only"), XS167, XS189, XS222, XS236, XS244 and XS311 Chair's Note: This provision is moved down from the parent category (FC 09.2) based on a member request to use in fish roe	
PAPRIKA EXTRACT	160c(ii)	30	39	2	Colour	Adopt at 30 mg/kg with Note 39, New Note "Except for use in surimi products at 180 mg/kg", XS167, XS189, XS222, XS236, XS244 and XS311	

Category No. 09.3 (Semi-preserved fish and fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: FC 09.3.3: (CODEX STAN 291-2010: Acidity regulators, antioxidants and preservatives are permitted in accordance with GSFA)

GSFA: FC is not in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.3 (Semi-preserved fish and fish products, including mollusks, crustaceans, and echinoderms)							
CARAMEL II - SULFITE CARAMEL	150b	30000		4	Colour	Discontinue (consider in subcategories)	
CURCUMIN	100(i)	50		7	Colour	Discontinue (consider in subcategories)	
PAPRIKA EXTRACT	160c(ii)	150	39	2	Colour	Discontinue (consider in subcategories)	

Category No. 09.3.1 (Fish and fish products, including mollusks, crustaceans, and echinoderms, marinated and/or in jelly)

Corresponding commodity standards: None

GSFA: FC is not in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.3.1 (Fish and fish products, including mollusks, crustaceans, and echinoderms, marinated and/or in jelly)							
Additive	INS	Max Level (mg/kg)	Notes	Step Adopted	INS Functional Class	Final EWG Proposal	
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	25	8	4	Colour	Adopt at 10 mg/kg with Note 8 and Note 16	

Category No. 09.3.1 (Fish and fish products, including mollusks, crustaceans, and echinoderms, marinated and/or in jelly)						
ANNATTO EXTRACTS, NORBIXIN-BASED	160b(ii)	100	185	4	Colour	Adopt at 10 mg/kg with Note 16 and Note 185
AZORUBINE (CARMOISINE)	122	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
BRILLIANT BLACK (BLACK PN)	151	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
BROWN HT	155	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
CARAMEL II - SULFITE CARAMEL	150b	30000			Colour	Do not consider in this subcategory
CURCUMIN	100(i)	500	16	7	Colour	Adopt at 100 mg/kg with Note 16
LUTEIN FROM TAGETES ERECTA	161b(i)	GMP		4	Colour	Discontinue: Lutein from Tagetes Erecta is a Table 3 food additive (GMP) and FC 09.3.1 is not in the Annex to Table 3
PAPRIKA EXTRACT	160c(ii)	150	39		Colour	Do not consider in subcategory
QUINOLINE YELLOW	104	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
TARTRAZINE	102	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.

Category No. 09.3.2 (Fish and fish products, including mollusks, crustaceans, and echinoderms, pickled and/or in brine)**Corresponding commodity standards:** None**GSFA:** FC is not in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.3.2 (Fish and fish products, including mollusks, crustaceans, and echinoderms, pickled and/or in brine)						
Additive	INS	Max Level (mg/kg)	Notes	Step/ Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	25	8	4	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
ANNATTO EXTRACTS, NORBIXIN-BASED	160b(ii)	100	185	4	Colour	Adopt at 20 mg/kg with Note 16 and Note 185
AZORUBINE (CARMOISINE)	122	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
BRILLIANT BLACK (BLACK PN)	151	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
BROWN HT	155	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
CARAMEL II - SULFITE CARAMEL	150b	30000			Colour	Do not consider in this subcategory Chair's Note: If use is supported, please provide justification and examples of use in this food category.
CURCUMIN	100(i)	500	16	7	Colour	Adopt at 100 mg/kg and Note 16
PAPRIKA EXTRACT	160c(ii)	150	39		Colour	Do not consider in this subcategory Chair's Note: If use is supported, please provide justification and examples of use in this food category.

Category No. 09.3.2 (Fish and fish products, including mollusks, crustaceans, and echinoderms, pickled and/or in brine)						
QUINOLINE YELLOW	104	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
TARTRAZINE	102	500	16	7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.

Category No. 09.3.3 (Salmon substitutes, caviar, and other fish roe products)

Corresponding commodity standards: CODEX STAN 291-2010: Acidity regulators, antioxidants and preservatives are permitted in accordance with GSFA

GSFA: FC is not in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.3.3 (Salmon substitutes, caviar, and other fish roe products)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
AMARANTH	123	300	50	7	Colour	Discontinue
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	50	8	4	Colour	Adopt at 10 mg/kg with Notes 8 & XS291
ANNATTO EXTRACTS, NORBIXIN-BASED	160b(ii)	50	149 & 185	4	Colour	Adopt at 10 mg/kg with Notes 185 & XS291
AZORUBINE (CARMOISINE)	122	500		7	Colour	Adopt at 100 mg/kg with Note XS291
BRILLIANT BLACK (BLACK PN)	151	500		7	Colour	Adopt at 100 mg/kg with Note XS291
BROWN HT	155	500		7	Colour	Adopt at 100 mg/kg with Note XS291
CARAMEL II - SULFITE CARAMEL	150b	30000			Colour	Do not consider in this subcategory
CURCUMIN	100(i)	500		7	Colour	Adopt at 500 mg/kg with Note XS291
LUTEIN FROM TAGETES ERECTA	161b(i)	500		4	Colour	Discontinue: Lutein from Tagetes Erecta is a Table 3 food additive (GMP) and FC 09.3.3 is not in the Annex to Table 3

Category No. 09.3.3 (Salmon substitutes, caviar, and other fish roe products)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
PAPRIKA EXTRACT	160c(ii)	160	39	2	Colour	Adopt at 350 mg/kg with Note XS291
QUINOLINE YELLOW	104	500		7	Colour	Adopt at 100 mg/kg with Note XS291
TARTRAZINE	102	500		7	Colour	Adopt at 300 mg/kg with Note XS291

Category No. 09.3.4 (Semi-preserved fish and fish products, including mollusks, crustaceans, and echinoderms (e.g. fish paste), excluding products of food categories 09.3.1 - 09.3.3)

Corresponding commodity standards: None

GSFA: FC is not in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.3.4 (Semi-preserved fish and fish products, including mollusks, crustaceans, and echinoderms (e.g. fish paste), excluding products of food categories 09.3.1 - 09.3.3)						
Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	30	8	4	Colour	Adopt at 10 mg/kg with Notes 8
ANNATTO EXTRACTS, NORBIXIN-BASED	160b(ii)	30	185	4	Colour	Adopt at 10 mg/kg with Notes 185
AZORUBINE (CARMOISINE)	122	500		7	Colour	Adopt at 290 mg/kg
BRILLIANT BLACK (BLACK PN)	151	500		7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
BROWN HT	155	500		7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
CURCUMIN	100(i)	500		7	Colour	Adopt at 100 mg/kg

Category No. 09.3.4 (Semi-preserved fish and fish products, including mollusks, crustaceans, and echinoderms (e.g. fish paste), excluding products of food categories 09.3.1 - 09.3.3)							
INDIGOTINE (INDIGO CARMINE)	132	300	161	2009	Colour	Revised Adopted at 290 mg/kg; Remove Note 161	
QUINOLINE YELLOW	104	500		7	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.	
TARTRAZINE	102	500		7	Colour	Adopt at 100 mg/kg	

Category No. 09.4 (Fully preserved, including canned or fermented fish and fish products, including mollusks, crustaceans, and echinoderms)

Corresponding commodity standards: **CODEX STAN 3-1981:** No food additives are permitted; **CODEX STAN 37-1981:** Acidity regulators, colours, and sequestrants and only certain Table 3 acidity regulators as indicated in Table 3 of the GSFA are permitted in accordance with GSFA; **CODEX STAN 70-1981:** Acidity regulators and only certain Table 3 acidity regulators, emulsifiers, gelling agents, stabilizers and thickeners as indicated in Table 3 of the GSFA are permitted in accordance with GSFA; **CODEX STAN 94-1981:** Only certain Table 3 acidity regulators, emulsifiers, gelling agents, stabilizers and thickeners as indicated in Table 3 of the GSFA are permitted in accordance with GSFA; **CODEX STAN 119-1981:** Only certain Table 3 acidity regulators, emulsifiers, gelling agents, stabilizers and thickeners as indicated in Table 3 of the GSFA are permitted in accordance with GSFA

GSFA: FC is not in the Annex to Table 3. Colours have previously been adopted in this FC

Category No. 09.4 (Fully preserved, including canned or fermented fish and fish products, including mollusks, crustaceans, and echinoderms)						
Additive	INS	Max Level (mg/kg)	Notes	Step/ Adopted	INS Functional Class	Final EWG Proposal
AMARANTH	123	30	435, XS3, XS70, XS90, XS94 & XS119	2018	Colour	Maintain existing provision
AMARANTH	123	300		7	Colour	Discontinue provision in step process
ANNATTO EXTRACTS, BIXIN-BASED	160b(i)	25	8	4	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.
ANNATTO EXTRACTS, NORBIXIN-BASED	160b(ii)	10	185	4	Colour	Discontinue Chair's Note: If use is supported, please provide justification and examples of use in this food category.

Category No. 09.4 (Fully preserved, including canned or fermented fish and fish products, including mollusks, crustaceans, and echinoderms)						
AZORUBINE (CARMOISINE)	122	500		7	Colour	Adopt at 290 mg/kg with Notes XS3, XS37, XS70, XS90, XS94, and XS119
BRILLIANT BLACK (BLACK PN)	151	500		7	Colour	Adopt at 290 mg/kg with Notes XS3, XS37, XS70, XS90, XS94, and XS119
BROWN HT	155	500		7	Colour	Adopt at 290 mg/kg with Notes XS3, XS37, XS70, XS90, XS94, and XS119
CARAMEL II - SULFITE CARAMEL	150b	30000		4	Colour	Adopt at 25,600 mg/kg with Note 95, XS3, XS37, XS70, XS90, XS94, and XS119
CURCUMIN	100(i)	500		7	Colour	Adopt at 100 mg/kg with Notes XS3, XS37, XS70, XS90, XS94, and XS119
PAPRIKA EXTRACT	160c(ii)	150	39	2	Colour	Adopt at 150 mg/kg with Note 39 and New Note “ <i>Except for use in surimi products at 180 mg/kg</i> ” with Notes XS3, XS37, XS70, XS90, XS94, and XS119
QUINOLINE YELLOW	104	500		7	Colour	Adopt at 290 mg/kg with Notes XS3, XS37, XS70, XS90, XS94, and XS119
TARTRAZINE	102	500		7	Colour	Adopt at 290 mg/kg with Notes XS3, XS37, XS70, XS90, XS94, and XS119

Appendix 6**NEW AND REVISED PROVISIONS IN THE GSFA ENTERED INTO THE STEP PROCESS AT STEP 2 AS A RESULT OF CX/FA 25/55/8**

1. Among several topics, CCFA55 requested the EWG on the GSFA to CCFA56 to consider:¹
 - Proposed new and revised provisions entered into the step process at Step 2 as a result of CX/FA 25/55/8.

Introduction

2. The PWG on the GSFA to CCFA55 considered submissions received in reply to the Circular Letter requesting proposals for new and/or revision of food additive provisions of the GSFA (CL 2024/58-FA) and made recommendations as to which proposals to revise adopted provisions in the GSFA should be included in the GSFA at Step 2. CCFA55 considered the proposals and agreed to include certain provisions in the GSFA at Step 2 and to circulate those provisions for comment.²

Working Document:

3. The EWG on the GSFA issued three circulars for this Appendix requesting comments on the proposed draft provisions. The EWG is invited to provide comment on the actual use level necessary to achieve the technical effect and the safety of that use level.
4. The current document presents proposals for each provision under discussion (adopt, adopt with revision, discontinue) in the format of the food categories listed in Table 2 of the GSFA.
5. These proposals are based upon a consensus approach taking into account the following information:
 - Information on corresponding Codex commodity standards and the use of food additives in those commodity standards is provided for each food category;
 - Additional information as appropriate; and
 - Compilation of the first and second circular comments.
6. These recommendations are based on the “weight of evidence”; that is, comments containing justifications were given more weight than comments with no supporting justification.

¹ REP 25/FA, para. 110(xii).

² CL 2024/58-FA.

ANNEX 1**NEW AND REVISED PROVISIONS IN THE GSFA ENTERED INTO THE STEP PROCESS AT STEP 2 AS A RESULT OF CX/FA 25/55/8**

The EWG is invited to provide comment on the new and revised provisions in the GSFA entered into the step process at Step 2 as a result of CX/FA 25/55/8.

Category No. 04.1.1.2 (Surface treated fresh fruit)

Corresponding commodity standards: None

Additive	INS	Max Level (mg/kg)	Notes	Step/ Adopt ed	INS Functional Class	Final EWG Proposal
Sucrose esters	473, 473a, 474	1500	454	2021	Emulsifier, Foaming agent, Glazing agent, Stabilizer	Revise adopted provision - Maintain use level at 1500 mg/kg and Note 453
Sucrose esters	473, 473a, 474	1500	454, 453, and New Note: “Sucrose esters of fatty acids (INS 473) and Sucrose oligoester, Type I and Type II (INS 473a) only”	2	Emulsifier, Foaming agent, Glazing agent, Stabilizer	-Remove Note 454 - Add Note 684: “Sucrose esters of fatty acids (INS 473) and Sucrose oligoester, Type I and Type II (INS 473a) only” If adopted provision is revised, discontinue provision in step process.

General Note: Information provided by the IFAC in CX/FA 25/55/8

- **Revise adopted provision:** Submitted by IFAC at CCFA55 (CX/FA 25/55/8). Proposal is to replace note 454 with note 453 in FC 04.1.1.2 of the GSFA.
- **Justification:** As sucrose esters are already allowed for use as a food additive in Food Category 4.1.1.2, the health and safety of this group of additives has already been evaluated by JECFA and found to be safe for these food categories at the current maximum use levels. Further, several markets allow the use of INS 473 as a glazing agent on fresh fruits. This proposal is to change the Note associated with the allowance for INS 473 in Food Category 4.1.1.2 to use INS 473 as the glazing agent. Vegetables face the same challenges as fruits with respect to moisture loss and oxidation. INS 473 can be used in Food Category 4.2.1.2 to extend the shelf life and quality of fresh vegetables as a glazing agent.
- **Safety:** The use of sucrose esters of fatty acids was considered by JECFA in 2020.
- **Mislead Consumer:** The proposed use described above does not disguise the nature or quality of fresh fruits and vegetables; the use of sucrose esters maintains the quality of fresh produce for longer by slowing moisture loss and oxidation.

Comments by EWG members to the First Circular Proposal:

Australia: Permits INS 473 (only – not 473a or 474) sucrose esters of fatty acids for use in ‘surface treated fruits and vegetables’ at a maximum permitted level of 100 mg/kg.

Costa Rica: Support the proposal with the new note.

EU: The use should be taken into account in the upcoming refined exposure assessment that will be carried out by JECFA.

The use was not taken into account in the most recent JECFA exposure assessment (2020): see Table 1 on page 189 of the JECFA monograph of its 89th meeting (<https://iris.who.int/bitstream/handle/10665/354557/9789240038448-eng.pdf?sequence=1>), which indicated significant exceedance of the ADI.

India: Allows INS474 (Sucroglycerides) at GMP in this Food Category

New Zealand: Under the Australia New Zealand Food Standards Code INS473 sucrose esters of fatty acids is permitted for use in surface treated fruits and vegetables at a MPL of 100 mg/kg.

Switzerland: Switzerland also allows surface treatment agents for products in this FC. With regard to labeling requirements (not covered by CCFA), we consider products treated with these additives to be “processed/treated” (within the meaning of the labeling requirements), which therefore requires labeling of the additive. In our view, omitting the labeling would be misleading.

FoodDrinkEurope: supports the proposal with the new note.

IFAC: Supports adoption at 1500 mg/kg with Note 453 and New Note “Sucrose esters of fatty acids (INS 473) and Sucrose oligoester, Type I and Type II (INS 473a) only.”

Justification is provided below. As sucrose esters are already allowed for use as a food additive in Food Category 4.1.1.2, the health and safety of this group of additives has already been evaluated by JECFA and found to be safe for these food categories at the current maximum use levels. Further, several markets allow the use of INS 473 as a glazing agent on fresh fruits. This proposal is to change the Note associated with the allowance for INS 473 in Food Category 4.1.1.2 to use INS 473 as the glazing agent.

Comments by EWG members to the Final Proposal:

RU: Does not agree with proposal. There is not technological justification for to use FA in this FC

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopt ed	INS Functional Class	Final EWG Proposal
Sorbates	200, 202, 203	20	Add Note 42 (as sorbic acid)	2	Preservative	Adopt provision at 20 mg/kg with Note 42 and new note “For use in surface treatment of unpeeled citrus fruit only”.

Comments by EWG members to the First Circular Proposal:

Australia: There is no permission for INS numbers 200, 202 or 203 in the corresponding FC in Australia.

EU: In general, the EU does not support any broad use of additives acting as preservatives on fresh fruit.

The EU observes that the following justification is provided in CX/FA 25/55/8: "... Potassium sorbate is a widely used food preservative known for its fungicidal or fungistatic properties. It is also used in the post-harvest treatment of citrus fruits to act against spoilage fungi and moulds.

The proposed usage level (up to 20 mg/kg) is required to act against some of the major post-harvest spoilage organisms of citrus fruit. When used on surface-treated citrus fruits, it prevents the decay of the fruit, thus enhancing the keeping quality or stability."

It follows from the text above that the request / justification was made only for surface treatment of unpeeled citrus fruit.

The EU can accept the requested use with a new Note: 'For use in surface treatment of unpeeled citrus fruit only'.

India: Does not allow use of this food additive in this food category

Indonesia: Supports EWG Proposal to add Note 42 (as sorbic acid)

South Africa: Support adoption at 20 mg/kg in surface treated citrus fruit.

Switzerland: Switzerland allows only INS 200 and INS 202 in unpeeled citrus fruits

Calcium sorbate (INS 203) was deleted in 2018 due to the absence of appropriate genotoxicity data. (EFSA 2015)

Comments by EWG members to the Second Circular Proposal:

Australia, Chile, EU, South Africa: Support the proposal.

Brazil: Allows INS 202 only in formulations containing additives with glazing functional class for surface treatment of unpeeled fruits.

India: Does not allow use of this food additive in this food category

RU: Does not agree with proposal. There is not technological justification for to use FA in this FC. In addition, no health risk assessment has been conducted for the intake of sorbates from all sources.

FoodDrinkEurope: Support the proposal.

Category No. 04.2.1.2 (Surface-treated fresh vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds)

Corresponding commodity standards: CODEX STAN 330-2018: Does not discuss food additives; CODEX STAN 337-2020: Does not discuss food additives; CODEX STAN 339-2020: Does not discuss food additives

Additive	INS	Max Level (mg/kg)	Notes	Step / Adopted	INS Functional Class	Final EWG Proposal
Sucrose esters	473, 473a, 474	1500	455, and New Note: "Sucrose esters of fatty acids (INS 473) and Sucrose oligoester, Type I and	2	Emulsifier, Foaming agent, Glazing	Hold provision at Step 2 pending updated JECFA exposure estimate for Sucrose esters

			Type II (INS 473a only)		agent, Stabilizer	
Comments by EWG members to the First Circular Proposal:						
Australia: Australia permits INS 473 (only – not 473a or 474) sucrose esters of fatty acids for use in ‘surface treated fruits and vegetables’ at a maximum permitted level of 100 mg/kg EU: This is a new entry (extension of use) for additives that are under the JECFA review as regards the dietary exposure assessment. The proposed use was not included in the JECFA assessment in 2020, which indicated a significant exceedance of the ADI particularly for children. It is therefore not appropriate to progress with this provision until the new refined JECFA exposure assessment, which would include this proposed use, will have been carried out. The provision should be put on hold in the meantime. India: Does not allow use of this food additive in this food category New Zealand: Under the Australia New Zealand Food Standards Code INS473 sucrose esters of fatty acids is permitted for use in surface treated fruits and vegetables at a MPL of 100 mg/kg. IFAC: IFAC supports adoption at 1500 mg/kg with Note 455 and New Note “Sucrose esters of fatty acids (INS 473) and Sucrose oligoester, Type I and Type II (INS 473a) only.” This allowance of 1500 mg/kg is the same level as allowed in FC 4.1.1.2. Vegetables face the same challenges as fruits with respect to moisture loss and oxidation. INS 473 can be used in Food Category 4.2.1.2 to extend the shelf life and quality of fresh vegetables as a glazing agent. Sucrose esters of fatty acids (INS 473) (SEFs) and sucrose oligoesters (SOEs) types I and II (INS 473a) are used mainly as emulsifiers and stabilizers in food. SEFs are authorized for use in 50 food categories at maximum permitted levels (MPLs) ranging from 200 mg/kg up to 20 000 mg/kg, as specified in the Codex General Standard for Food Additives (GSFA). JECFA report references: INS 473, INS 473a: Evaluation of certain food additives: eighty-ninth report of the Joint FAO/WHO Expert Committee on Food Additives WHO technical report series; 1027 8 July 2021 https://www.who.int/publications/i/item/9789240030244 INS 474: Evaluation of Certain Food Additives and Contaminants: Forty-ninth report of the Joint FAO/WHO Expert Committee on Food Additives WHO Technical Report Series; 884 1999 http://apps.who.int/iris/bitstream/10665/42142/1/WHO_TRS_884.pdf. Tox Monograph:						

INS 473, INS 473a: <https://www.who.int/publications/i/item/9789240038448>

INS 474: <https://www.inchem.org/documents/jecfa/jecmono/v040je04.htm>

Specification:

INS 473: <https://openknowledge.fao.org/server/api/core/bitstreams/5a7fb0e4-fcd9-43e1-9270-30c84cd98573/content>

INS 474: https://www.fao.org/fileadmin/user_upload/jecfa_additives/docs/monograph10/additive-445-m10.pdf

Previous Years: 1997, 2009, 2017

Comments by EWG members to the Second Circular Proposal:

Australia: Supports holding the provision at Step 2.

Australia consistently supports the independent scientific assessments performed by JECFA and supports waiting for their exposure assessment of both INS 473 and INS 473a.

Chile, EU: Supports the proposal to put the provision on hold

RU: Agrees with hold provision before health risk assessment has been conducted.

FoodDrinkEurope: Support proposal to hold on

IFAC: Proposes adoption at 100 mg/kg with Note 455 and New Note “Sucrose esters of fatty acids (INS 473) and Sucrose oligoester, Type I and Type II (INS 473a) only.”

NOTES:

Note 42: As sorbic acid

Note 453: For use as a glaze where such surface treatment is allowed for application to the surface of fresh fruit.

Note 454: For use in waxes, coatings or glazes where these surface treatments are allowed for application to the surface of fresh fruit.

Note 455: For use as a glaze where such surface treatment is allowed for application to the surface of fresh vegetables, seaweeds or nuts and seeds.

New note: Sucrose esters of fatty acids (INS 473) and Sucrose oligoester, Type I and Type II (INS 473a) only

ANNEX 2**ADDITION OF NEW NOTE FOR ALL ADOPTED PROVISIONS IN FOOD CATEGORIES 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, AND 13.5**

Consistent with the ongoing discussion in the GSFA EWG on an update to the “as consumed” note for FC 13.1 and its subcategories (13.1.1 (Infant formulae), 13.1.2 (Follow-up formulae), and 13.1.3 (Formulae for special medical purposes for infants)), it was proposed to also consider the addition of a new note to all existing provisions in food categories 13.2, 13.3, 13.4 and 13.5. A new note was proposed pertaining to Food Categories 13.2 to 13.5 as follows: *“Products in food category 13.2, 13.3, 13.4 and 13.5 are available in multiple formats (e.g. liquid ready to consume and powder which requires mixture with water before consumption). In all cases, consistent with the language in Section 6 of the Preamble of the GSFA, the maximum level listed in the GSFA is for the final product as consumed.”*

In order to allow a comprehensive discussion on the need for an “As consumed” note, it was considered appropriate that the discussion be considered across Food Categories 13.1 (and its subcategories), 13.2, 13.3, 13.4 and 13.5.

The EWG is invited to provide general comments on the addition of the need for an “as consumed” note for all adopted provisions in food categories 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5. As part of this exercise, the EWG may consider a modified version of the newly proposed note: *“Products in food category 13.2, 13.3, 13.4 and 13.5 are available in multiple formats (e.g. liquid ready to consume and powder which requires mixture with water before consumption). In all cases, consistent with the language in Section 6 of the Preamble of the GSFA, the maximum level listed in the GSFA is for the final product as consumed.”*

Comments by EWG Members to First Circular on the need for addition of an “as consumed” note for all adopted provisions in FCs 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5:

Australia: Section 6 of the Preamble to the GSFA already clearly states: “Unless otherwise specified, maximum use levels for additives in Tables 1 and 2 are set on the final product as consumed.”

Australia considers this provision applies universally and provides sufficient clarity for the interpretation of additive levels across all food categories in the GSFA. The inclusion of an “as consumed” or any similar note is therefore unnecessary.

China: Does NOT have strong position on whether or not to add an “as consumed” note for all adopted provisions in food categories 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5. As the Preamble of the GSFA has clearly stated ‘the maximum level listed in the GSFA is for the final product as consumed’.

It may worth to note that there are products in other FC have the similar situation, for example in FC 14.0 Beverages, 14.1.2.3 Concentrates for fruit juice, 14.1.2.4 Concentrates for vegetable juice, 14.1.3.3 Concentrates for fruit nectar, 14.1.3.4 Concentrates for vegetable nectar, and 14.1.4.3 Concentrates (liquid or solid) for water-based flavoured drinks, ‘Note 127: On the served to the consumer basis’ is applied to many provisions. For the purpose of keeping consistency throughout the GSFA, same approach should be utilized in other FCs.

Costa Rica: The proposal to include the note seeks to harmonize the interpretation of maximum use levels across all subcategories of FC 13.0, thereby reducing confusion and promoting a consistent approach to products within this food category. However, FC 13.0 is not the only category in the GSFA that includes products in multiple formats, such as liquid ready-to-consume, powders requiring reconstitution, solids requiring rehydration, and products (solid or liquid) requiring dilution. Discussion is needed to ensure alignment with the core principles established in the Preamble. Extending the use of the clarification ‘as consumed’ in the GSFA may unintentionally suggest that the concept does not apply to other food categories where it is not explicitly stated.

Costa Rica remains committed to promoting clarity and consistency in the interpretation of additive provisions within the GSFA. Removing footnote 381, or replacing it with the proposed new note, may help align the provisions with the Preamble and provide a clearer understanding of the term “as consumed.” It is essential that the wording for these food categories be precise, in order to avoid confusion among GSFA users and during the transposition of such provisions into national regulations. It is recognized that, for these categories, further clarification is warranted due to inconsistencies linked to footnote 381 (“as consumed”), which originated in the original Codex Standards CXS 72-1981 and CXS 156-1987 and was carried over during the alignment exercise in 2022–2023.

India: Supports modified version of the newly proposed note, suggests inclusion (**following manufacturer's instructions, unless otherwise indicated**).

The new proposed note will read as "Products in food category 13.2, 13.3, 13.4 and 13.5 are available in multiple formats (e.g. liquid ready to consume and powder which requires mixture with water before consumption). In all cases, consistent with the language in Section 6 of the Preamble of the GSFA, the maximum level listed in the GSFA is for the final product as consumed **following manufacturer's instructions, unless otherwise indicated**."

New Zealand: We do not believe there is a need for an "as consumed" note for adopted provisions in FC 13 and its subcategories. The inclusion of an "as consumed" or any similar note is unnecessary and redundant. Section 6 of the Preamble to the GSFA already clearly states:

"Unless otherwise specified, maximum use levels for additives in Tables 1 and 2 are set on the final product as consumed."

This provision applies universally and provides sufficient clarity for the interpretation of additive levels across all food categories.

FIA does not believe there is a need for an "as consumed" note for adopted provisions in FC 13 and its subcategories. The inclusion of an "as consumed" or any similar note is unnecessary and redundant. Section 6 of the Preamble to the GSFA already clearly states:

"Unless otherwise specified, maximum use levels for additives in Tables 1 and 2 are set on the final product as consumed."

This provision applies universally and provides sufficient clarity for the interpretation of additive levels across all food categories.

Switzerland: Switzerland welcomes this amendment to the note, which aims to clarify the wording in section 6 of the GSFA. At the same time, consideration should be given to whether the term "as consumed" is sufficiently precise. In our opinion, "as consumed" should mean that the values refer to the ready-to-eat product prepared according to the manufacturer's instructions.

It remains to be examined whether such a note could be used worldwide for all GSFA FCs, as there are also cases in other FCs outside FC 13 where a food product must be prepared.

FoodDrinkEurope: The proposal to include the note aims to harmonize the interpretation of maximum use levels across all subcategories of FC 13.0, reducing confusion and ensuring a consistent approach to all products in this food category. However these are not the only food categories across GSFA that are available in multiple formats: liquid ready to consume, powder requiring reconstitution, solid items required rehydration, solid or liquid requiring dilution, etc. Discussion needs to take place to follow the core principles set already in the Preamble. The more food categories bear the clarification 'as consumed' in the GSFA the more it implies the rest of the provisions for different food categories are not to be read in a basis of the product 'as consumed'.

We remain committed to ensuring clarity and consistency in the interpretation of additive provisions within the GSFA. The removal of footnote 381, or its replacement with the proposed new note, may align the provisions with the Preamble and provide a clear understanding of the term "as consumed." The focus of the recommendation to ensure the wording is clear on these Food categories is crucial not to create confusion with users of GSFA across categories, as well as when transposing such provisions to national regulations. It is well understood that for these food categories the situation requires further or deeper clarification due to the identified inconsistencies related to the footnote "as consumed" (Note 381), which was carried over from the original Codex Standards CXS 72-1981 and CXS 156-1987 during the alignment exercise in 2022-2023.

FIA: Does not believe there is a need for an "as consumed" note for adopted provisions in FC 13 and its subcategories. The inclusion of an "as consumed" or any similar note is unnecessary and redundant. Section 6 of the Preamble to the GSFA already clearly states:

"Unless otherwise specified, maximum use levels for additives in Tables 1 and 2 are set on the final product as consumed."

This provision applies universally and provides sufficient clarity for the interpretation of additive levels across all food categories.

ISDI: appreciates the opportunity to comment on the proposal to harmonize the use of an “as consumed” note across Food Categories 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5.

ISDI maintains that the inclusion of an “as consumed” or any similar note is unnecessary and redundant. Section 6 of the Preamble to the GSFA already clearly states:

“Unless otherwise specified, maximum use levels for additives in Tables 1 and 2 are set on the final product as consumed.”

This provision applies universally and provides sufficient clarity for the interpretation of additive levels across all food categories.

Furthermore, ISDI has consistently highlighted the inconsistency in the application of Note 381. While it is currently applied to all additive provisions in FCs 13.1.1-3 it is absent from FCs 13.2 through 13.6—even though these categories also include products sold in both ready-to-consume and reconstituted forms. This inconsistency has led to confusion in interpreting maximum use levels and undermines the clarity that Note 381 was intended to provide.

ISDI therefore supports the removal of Note 381 from FCs 13.1.1 to 13.1.3 and does not support the addition of a new “as consumed” type note to FCs 13.2 to 13.5.

Summary of Comments Received to First Circular of the GSFA EWG pertaining to the need for addition of an “as consumed” note for all adopted provisions in FCs 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5

Comments appeared to fall into three main categories;

1. Commenters who believed that there was no need for an “as consumed” note as the preamble to the GSFA specifically states that “Unless otherwise specified, maximum use levels for additives in Tables 1 and 2 are set on the final product as consumed.”
2. Commenters who noted that there are other food categories than those being discussed here that have products available in multiple formats, and that it is important that the GSFA be consistent across all food categories.
3. Commenters who supported a version of the proposed new note, especially if it included indication that “as consumed” means that the values refer to the ready-to-eat product prepared according to the manufacturer's instructions.

Based on the notes received, we propose two options for consideration by the EWG for the second circular:

Option 1: Remove Note 381 “As Consumed”. Do not add additional note as it is not necessary.

Option 2: Replace Note 381 with the following note for all provisions in FCs 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5: “Products in food categories 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4 and 13.5 are available in multiple formats (e.g. liquid ready to consume and powder which requires mixture with water before consumption). In all cases, consistent with the language in Section 6 of the Preamble of the GSFA, the maximum level listed in the GSFA is for the final product as consumed following manufacturer’s instructions, unless otherwise indicated.”

Comments by EWG Members to Second Circular on the need for addition of an “as consumed” note for all adopted provisions in FCs 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5:

Australia, India, New Zealand: Supports Option 1: Remove Note 381 “As Consumed”. Do not add additional note as it is not necessary.

RU: Agrees with Preamble of the GSFA, the maximum level listed in the GSFA is for the final product as consumed.”

Switzerland: Prefers option 2. With the proposed additions, it clarifies section 6 of the preamble of the GSFA. It is also self-explanatory and does not need to be read in the preamble.

Thailand: Proposes retaining Note 381. The purpose of specifying Note 381 is to ensure that the calculation in the final product, when consumed, does not exceed the established safety levels. The inclusion of Note 381 provides clarity and serves to emphasize the careful use of food additives in these food categories. Should it be necessary to remove this Note, it is recommended that the matter be referred to CCNFSDU for consideration.

FoodDrinkEurope, FIA, ISDI: prefers the clarity offered by Option 1. The additional explanation in the reworded Note 381 (Option 2) is unnecessary.

Summary of Comments Received to Second Circular of the GSFA EWG pertaining to the need for addition of an “as consumed” note for all adopted provisions in FCs 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5

Of the comments provided, most prefer Option 1 to remove Note 381 “As Consumed” and to not add an additional note as it is not necessary. One comment proposed retaining Note 381, and referring to CCNFSDU if it is proposed to remove Note 381. A second comment suggested the modification described by Option 2.

Given that the preamble to the GSFA specifically states that “Unless otherwise specified, maximum use levels for additives in Tables 1 and 2 are set on the final product as consumed,” it seems that there is no need for an “as consumed” note on provisions in FCs 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5. We also would argue that it is not necessary to refer this proposal to CCNFSDU for consideration since the technological justification of the use of the food additives in FCs 13.1.1, 13.1.2, 13.1.3, 13.2, 13.3, 13.4, and 13.5 have already been provided.

Final EWG Proposal:

Remove Note 381 “As Consumed”. Do not add additional note as it is not necessary.

ANNEX 3**ADDITION SPECIFIC ALLOWANCE OF GLYCEROL IN ADDITIONAL COMMODITY STANDARD TABLE 3****General Note: Information provided by the China in CX/FA 25/55/8**

- **Revise adopted provision:** Submitted by China at CCFA55 (CX/FA 25/55/8). Proposal is to add **CS 249-2006**.
- **Justification:** Glycerol could interact with emulsifiers added into instant noodles, thereby enhancing the emulsifying function. Additionally, glycerol could improve the water retention and anti-aging properties of flour-based products, enhances their resistance to freezing. And also glycerol has the capability to reduce the water activity of the emulsion oil products which could avoid the microbial contaminations and eventually protect instant noodle products.
- **Safety:** The use of glycerol was considered by JECFA in 2002.
- **Mislead Consumer:** The presence of glycerol would be declared on product labels.

Additive	INS	Step / Adopted	INS Functional Class	Specific allowance in the following commodity standards	Final EWG Proposal
Glycerol	422	1999	Humectant, Thickener	CS 87-1981, CS 253-2006 (see functional class and footnote)	Revise adopted provision; Add CS 249-2006
Glycerol	422	2	Humectant, Thickener	CS 87-1981, CS 253-2006 (see functional class and footnote), CS 249-2006	Discontinue provision in step process if adopted provision is revised.

Comments by EWG members to the First Circular Proposal:

Australia: Permits INS422 glycerol for use in FC *Flour products (including noodles and pasta)* at levels commensurate with GMP.

China: Permits INS 422 used in the Instant Noodle.

Costa Rica, EU, India, Indonesia: Support the proposal

New Zealand: Under the Australia New Zealand Food Standards Code INS422 glycerol is permitted for use in flour products (including noodles and pasta) at GMP levels.

FoodDrinkEurope: supports the proposal

Comments by EWG members to the Final Circular Proposal:

RU: Agrees with discontinuation

JECFA evaluation not finalized. And not promoted evaluation possible safety use of this FA in case with infant and young children / <https://apps.who.int/food-additives-contaminants-jecfa-database/Home/Chemical/1565>.

Appendix 7**DISCUSSION OF THE PROPOSAL TO SEEK CLARIFICATION ON THE EXPLANATORY NOTE TO
TABLE 3 OF THE GSFA AS A RESULT OF CX/FA 25/55/8**

1. Among several topics, CCFA55 requested the EWG on the GSFA to CCFA56 to consider:¹
 - Discussion of the proposal to seek clarification on the explanatory note to Table 3 of the GSFA as noted in CRD2 Annex 5.

Introduction

2. The PWG on the GSFA to CCFA55 considered submissions received in reply to the Circular Letter requesting proposals for new and/or revision of food additive provisions of the GSFA (CL 2024/58-FA). CCFA55 considered the proposals and agreed to discuss the proposal to seek clarification on the explanatory note to Table 3 of the GSFA by the EWG.²

Working Document:

3. The EWG on the GSFA issued two circulars for this Appendix requesting comments on the explanatory note to Table 3.
4. The current document presents proposals for each provision under discussion (adopt, adopt with revision, discontinue) in the format of the food categories listed in Table 2 of the GSFA.
5. These proposals are based upon a consensus approach taking into account the following information:
 - Additional information as appropriate; and
 - Compilation of the first or second circular comments.
6. These recommendations are based on the “weight of evidence”; that is, comments containing justifications were given more weight than comments with no supporting justification.

¹ REP 25/FA, para. 110(xiii).

² CL 2024/58-FA.

The Explanatory Note to Table 3 currently appears in the GSFA as follows:

Explanatory Note: Determining the Use of Table 3 Additives in Foods Covered by Commodity Standards based on the Revised Approach
- If a commodity standard covers the use of foods in food categories that are contained in the Annex to Table 3, then Table 3 does not apply to the commodity standard. - All food additive permissions for foods covered by food categories listed in the Annex to Table 3 must be listed in Tables 1 and 2 of the GSFA. - If a commodity standard covers a food category that is not listed in the Annex to Table 3, then the user should refer to the “References to Commodity Standards for GSFA Table 3 Additives” section of Table 3. - If the section specific to the commodity standard indicates that all Table 3 additives are permitted for use in foods covered by the standard, then any food additives listed in Table 3 may be used in foods covered by the standard. If the text indicates that only Table 3 additives with specific functional classes may be used (e.g. acidity regulator), then any Table 3 additive listing the noted functional class in column 3 of Table 3 may be used in foods covered by the commodity standard. - If the text indicates that “only certain Table 3 food additives (as indicated in Table 3)” are permitted for use in foods covered by the commodity standard, then the user may refer to column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use in the commodity standard.

A proposal was made to amend the Explanatory Note to Table 3 of GSFA with the following additions (shown in **bold text**):

- If the text indicates that “only certain Table 3 food additives (as indicated in Table 3) **with or without specific functional classes** are permitted for use in foods covered by the commodity standard, then the user may refer to column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use in the commodity standard.”

The requestor provided the following information in support of their request:

The current explanatory notes cover 3 scenarios for the use of Table 3 food additives in Commodity Standard:

- all Table 3 additives are permitted for use in foods covered by the commodity standard.
- only Table 3 additives with specific functional classes may be used.
- only certain Table 3 food additives (as indicated in Table 3) are permitted.

However, there is another scenario that is not included in the explanatory note, i.e. “only certain Table 3 food additives **with specific functional classes** are permitted”.

This missing scenario could lead to a misunderstanding that any Table 3 additive listing the noted functional class in column 3 of Table 3 may be used in foods covered by the commodity standard. However, the correct interpretation is that only the particular Table 3 food additives are permitted for use in the commodity standard which the commodity standard number is listed in the column 5 of Table 3.”

The EWG is invited to provide general comment on the proposal to amend the explanatory note to Table 3

Comments by EWG Members to First Circular on the amended explanatory note to Table 3:
Australia: Australia supports the proposed amendment to the Explanatory Note to Table 3 of GSFA, adding ‘with or without specific functional classes’ to provide clarity on the provisions of the food additives listed in Table 3. Canada: Our comments also consider the perspective of “Alignment” in our experience as Chair. Our understanding of the basis for the requested change to the 6th bullet is to differentiate situations when a commodity standard would be included in column 5 of Table 3 (bullet 6) and when it would not be (bullets 4 and 5). Canada is generally supportive of a change to the bullets to help clarify when a listing in column 5 is needed. While we are supportive of China’s proposal, we wonder if it may benefit from additional text to help the reader of the GSFA and to help those commodity committees who may be in the process of drafting standards.

With respect to cases where the text limits use to certain food additives within specific functional classes, we agree with the assessment from New Zealand, IDF and FIA; however, we do not believe that a separate bullet 7 is appropriate, as current bullet 6 and the proposed revision both relate to the use of “certain” Table 3 food additives, which is a separate scenario from those described in each of bullets 4 and 5.

We are also of the opinion that the reference to column 3 of Table 3 is not necessary. The References to Commodity Standards for GSFA Table 3 Additives describes which functional classes apply, then the additives with the appropriate functional class(es) are listed in column 5. Column 3 of Table 3 lists all approved functional classes for the additive, but this is unnecessary information as the applicable functional classes are already defined in the Reference to Commodity Standards.

Accordingly, we are suggesting the following text for bullet 6 to add clarifying language and, if considered necessary by the EWG, account for the additional reference to Column 3 of Table 3 (indicated as Optional in square brackets):

If the text indicates that “only certain Table 3 food additives (as indicated in Table 3)” **or that “only certain <Functional Class(es)> (as indicated in Table 3)” (e.g., “only certain acidity regulators”)** are permitted for use in foods covered by the commodity standard, then the user may refer to column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use in the commodity standard. **These stipulations are used, respectively, when: 1) the commodity standard limits use to certain food additives within Table 3; or 2) limits use to certain food additives within a specific functional class(es) within Table 3.**

[Optional: Furthermore, when the text indicates that “only certain <Functional Class(es)> (as indicated in Table 3)” are permitted for use in foods covered by the commodity standard, then the user may refer to column 3 of Table 3 to see all associated functional classes for that additive.]

Finally, to account for some potential misunderstandings on the reading of the explanatory note, we believe it may be helpful to position bullets 4, 5, 6 as sub-bullets of bullet 3, as they each describe specific cases that would apply in relation to the text within the “References to Commodity Standards for GSFA Table 3 Additives.” If they were to be made as sub-bullets of 3, then, for example, the text “If the text” would be clear; otherwise, it may be beneficial to add the text “if the References to Commodity Standards for GSFA Table 3 Additives” to each bullet.

China: This proposal on the amended explanatory note to Table 3 was made by China. To further explain the justification for our proposal, an example is presented as below:

Compliance review for the use of the GSFA Table 3 food additive in General Standard for Cheese (CXS 283-1978):

According to “References to Commodity Standards for GSFA Table 3 Additives” in the GSFA, the products conforming to CXS 283-1978 belong to the food category 01.6.2.1 “Ripened Cheese, includes rind”. And the food category 01.6.2.1 is not listed in “Annex to Table 3: Food Categories or Individual Food Items Excluded from the General Conditions of Table Three”.

01.6.2.1	Ripened Cheese, includes rind
	<u>Only certain acidity regulators, anticaking agents, colours and preservatives in Table 3 (as indicated in Table 3) are acceptable for use in foods conforming to CXS 283-1978, and only certain acidity regulators in Table 3 (as indicated in Table 3) are acceptable for use in foods conforming to CXS 208-1999.</u>
Codex standards	Cheeses in Brine (CXS 208-1999) General Standard for Cheese (CXS 283-1978)

When referring to the table above, there were companies in China misunderstood the text of “only certain acidity regulators, anticaking agents, colours and preservatives in Table 3 (as indicated in Table 3) are acceptable for use in foods conforming to CXS 283-1978” to be:

Any Table 3 additives listing those noted functional classes (acidity regulators, anticaking agents, colours and preservatives) in column 3 of Table 3 may be used in the products conforming to CXS 283-1978. (Based on the 5th bullet of the explanatory note to Table 3: *If the text indicates that only Table 3 additives with specific functional classes may be used <e.g. acidity regulator>, then any Table 3 additive listing the noted functional class in column 3 of Table 3 may be used in foods covered by the commodity standard*).

However, the correct interpretation is that when the word “CERTAIN” is used in the text, the user shall refer to column 5 of Table 3 where the commodity standard be listed for the particular Table 3 food additives, regardless of whether the functional class is specified or not.

To improve the explanatory note to be clearer, meanwhile trying to minimize the amendment, China made the proposal to amend the 5th bullet of the Explanatory Note to Table 3 of GSFA. We would like to thank other countries' efforts to help addressing this issue, we are open to discussing other appropriate ways to make the amendment in the GSFA.

Colombia:

Modify the note: "All food additive permissions for foods covered by food categories listed in the Annex to Table 3 must be listed in Tables 1 and 2 of the GSFA Explanatory Note: Determining the Use of Table 3 Additives in Foods Covered by Commodity Standards based on the Revised Approach", by: "The food categories listed in the Annex to Table III are excluded from the general conditions of that table. The additives authorized for these categories must be listed in Tables I and II of the GSFA."

And

Modify the note: "If the section specific to the commodity standard indicates that all Table 3 additives are permitted for use in foods covered by the standard, then any food additives listed in Table 3 may be used in foods covered by the standard.", by "If the section specific to the commodity standard indicates that all Table 3 additives are permitted for use in foods covered by the standard, then any food additives listed in Table 3 may be used in ~~foods covered by the standard~~ these foods."

El Salvador: Only certain Table 3 food additives, with or without specific functional classes, are permitted for use in foods covered by the commodity standard, users shall refer to Column 5 of Table 3. Only those additives for which the commodity standard number is listed in Column 5 are permitted for use in that standard, and only under the specified functional class, if applicable.

EU: The EU appreciates and supports efforts to improve clarity and readability of the GSFA. In order to address the matter raised by China, the EU sees merits in the suggestion made by Canada in reply to the first circular, i.e. to elaborate and explain more the two different scenarios in bullet 6, i.e. when (1) only certain additives OR (2) only certain additives within specific functional classes may be used in foods conforming to a commodity standard.

New Zealand: notes the proposed text does not include the step to assess whether the additive includes one of the listed functional classes in column 3 of Table 3, in the scenario where additives with specific functional classes are permitted for use in foods covered by the commodity standard. It would be difficult and confusing to further amend the proposed bullet point to cover the missing situation.

New Zealand proposes to introduce a new 7th bullet point in the Explanatory Notes:

"If the text indicates that only certain listed functional classes listed in Table 3 (as indicated in Table 3) are permitted for use in foods covered by the standard, then the user must refer to both column 3 of Table 3 to assess whether it includes one of the listed functional classes, and column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use in the commodity standard."

This is to cover the missing situation where:

Table 3 additives that are permitted in the listed commodity standards must meet two criteria:

Have one of the listed functional classes in column 3 of Table 3

Have the relevant commodity standard listed in column 5 of Table 3 for the particular additive

01.4.3	Clotted cream (plain)
	Only certain acidity regulators, emulsifiers, stabilizers and thickeners listed in Table 3 (as indicated in Table 3) are acceptable for use in foods conforming to this standard and which fall under this food category.
Codex standard	Cream and Prepared Creams (CXS 288-1976)

01.6.2.1	Ripened Cheese, includes rind
	Only certain acidity regulators, anticaking agents, colours and preservatives in Table 3 (as indicated in Table 3) are acceptable for use in foods conforming to CXS 283-1978, and only certain acidity regulators in Table 3 (as indicated in Table 3) are acceptable for use in foods conforming to CXS 208-1999.
Codex standards	Cheeses in Brine (CXS 208-1999) General Standard for Cheese (CXS 283-1978)

India: Supports the inclusion of “with or without specific functional classes”

FIA and IDF: Agree with the assessment that there is a scenario that is missing from the explanatory note.

First, it may be helpful to consider examples of this missing scenario:

01.4.3	Clotted cream (plain)
	Only certain acidity regulators, emulsifiers, stabilizers and thickeners listed in Table 3 (as indicated in Table 3) are acceptable for use in foods conforming to this standard and which fall under this food category.
Codex standard	Cream and Prepared Creams (CXS 288-1976)

01.6.2.1	Ripened Cheese, includes rind
	Only certain acidity regulators, anticaking agents, colours and preservatives in Table 3 (as indicated in Table 3) are acceptable for use in foods conforming to CXS 283-1978, and only certain acidity regulators in Table 3 (as indicated in Table 3) are acceptable for use in foods conforming to CXS 208-1999.
Codex standards	Cheeses in Brine (CXS 208-1999) General Standard for Cheese (CXS 283-1978)

In these two examples, the Table 3 additives that are permitted in the listed commodity standards must meet two criteria:

Have one of the listed functional classes in column 3 of Table 3

Have the relevant commodity standard listed in column 5 of Table 3

Second, it should be acknowledged that the way the 6th bullet point in the explanatory notes is written has the specific text in the References to Commodity Standards section in quotation marks. The 6th bullet point reads as follow with the quoted text in bold:

“If the text indicates that “only certain Table 3 food additives (as indicated in Table 3)” are permitted for use in foods covered by the commodity standard, then the user may refer to column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use in the commodity standard.”

The quoted text directly relates to the corresponding text in the References to Commodity Standard. For example:

01.5.1	Milk powder and cream powder (plain)
	Only certain Table 3 additives (as indicated in Table 3) are acceptable for use in foods conforming to these standards
Codex standards	Milk powders and cream powder (CXS 207-1999) Edible Casein Products (CXS 290-1995)
01.5.2	Milk and cream powder analogues
	Only certain Table 3 additives (as indicated in Table 3) are acceptable for use in foods conforming to this standard
Codex standard	Blend of Skimmed Milk and Vegetable Fat in Powdered Form (CXS 251-2006)

It is therefore difficult to amend this 6th bullet point (as originally proposed by China) to apply to the missing scenario as it is written in a way that specifically quotes the text used for a different scenario.

Our proposed approach is therefore to introduce a new 7th bullet point in the Explanatory Notes:

“If the text indicates that only certain listed functional classes listed in Table 3 (as indicated in Table 3) are permitted for use in foods covered by the standard, then the user must refer to both column 3 of Table 3 to assess whether it includes one of the listed functional classes, and column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use in the commodity standard.”

Summary of EWG Comments Received for the First Circular on the proposal to seek clarification on the explanatory note to Table 3 of the GSFA

In general, comments were supportive of making revisions to the “Explanatory note to Table 3 of the GSFA” to avoid confusion and to make sure that all possible scenarios are taken into account. Some members made proposals to revise the existing text in the current 6 bullets of the explanatory note. Some members proposed adding a new seventh bullet.

In considering all of the proposed solutions, the proposal that (to the GSFA EWG Chair) was the clearest was the proposal from Canada (the Alignment Chair). As such, we are putting forward the proposal made by Canada for consideration and comment by the EWG.

Second Circular Proposal for revised “Explanatory Note” (new text in Bold Underline font, bullets 4, 5 and 6 are also now shown as sub-bullets of bullet #3):

- If a commodity standard covers the use of foods in food categories that are contained in the Annex to Table 3, then Table 3 does not apply to the commodity standard.
- All food additive permissions for foods covered by food categories listed in the Annex to Table 3 must be listed in Tables 1 and 2 of the GSFA.
- If a commodity standard covers a food category that is not listed in the Annex to Table 3, then the user should refer to the “References to Commodity Standards for GSFA Table 3 Additives” section of Table 3, **as follows:**
 - If the section specific to the commodity standard indicates that all Table 3 additives are permitted for use in foods covered by the standard, then any food additives listed in Table 3 may be used in foods covered by the standard.
 - If the text indicates that only Table 3 additives with specific functional classes may be used (e.g. acidity regulator), then any Table 3 additive listing the noted functional class in column 3 of Table 3 may be used in foods covered by the commodity standard.
 - If the text indicates that “only certain Table 3 food additives (as indicated in Table 3)” **or that “only certain <Functional Class(es)> (as indicated in Table 3)” (e.g. “only certain acidity regulators”) are permitted for use in foods covered by the commodity standard, then the user may refer to column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use in the commodity standard. These stipulations are used, respectively, when: 1) the commodity standard limits use to certain food additives within Table 3; or 2) limits use to certain food additives within a specific functional class(es) within Table 3.**

Comments by EWG Members to Second Circular on the amended explanatory note to Table 3:

Australia, China: Supports the proposal made by Canada, the amended explanatory note to Table 3 could address the previous misinterpretation.

Brazil, Chile, Colombia, EU, India: Supports the proposed amendments to the “Explanatory note to Table 3 of the GSFA” as outlined above.

New Zealand: could support Canada’s suggested approach as reflected in the EWG proposal.

However, we would like to suggest again the alternative approach of adding an additional standalone 7th bullet point to describe the scenario where use is limited to certain food additives within a specific functional class or classes within Table 3. In our view, it is clearer to have one bullet point for each separate scenario as they relate to different wordings in the References to Commodity Standards.

The new 7th bullet point could read similarly to the EWG proposal’s additional text, and the 6th bullet point could be updated to include the new explanatory text as well.

Our proposed revisions to the Explanatory Notes:

If a commodity standard covers the use of foods in food categories that are contained in the Annex to Table 3, then Table 3 does not apply to the commodity standard.

All food additive permissions for foods covered by food categories listed in the Annex to Table 3 must be listed in Tables 1 and 2 of the GSFA.

If a commodity standard covers a food category that is not listed in the Annex to Table 3, then the user should refer to the “References to Commodity Standards for GSFA Table 3 Additives” section of Table 3, as follows:

If the section specific to the commodity standard indicates that all Table 3 additives are permitted for use in foods covered by the standard, then any food additives listed in Table 3 may be used in foods covered by the standard.

If the text indicates that only Table 3 additives with specific functional classes may be used (e.g. acidity regulator), then any Table 3 additive listing the noted functional class in column 3 of Table 3 may be used in foods covered by the commodity standard.

If the text indicates that “only certain Table 3 food additives (as indicated in Table 3)” are permitted for use in foods covered by the commodity standard, then the user may refer to column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use

in the commodity standard. This stipulation is used when the commodity standard limits use to certain food additives within Table.

If the text indicates that "only certain <Functional Class(es)> (as indicated in Table 3)" (e.g., "only certain acidity regulators") are permitted for use in foods covered by the commodity standard, then the user may refer to column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use in the commodity standard. This stipulation is used when the commodity standard limits use to certain food additives within a specific functional class(es) within Table 3.

FIA: agrees with the proposed changes.

IDF: Reviewed the proposals and could support both its proposed approach, as well as the one made by Canada.

However we note that the IDF proposal may be a tidier approach to have a separate new bullet point in the Explanatory Note section to deal with the separate situation, rather than merging it into the existing 6th bullet point. But, merging it into the existing 6th bullet point as Canada has suggested would technically also work and their additional explanatory text is correct.

Summary of EWG Comments Received for the Second Circular on the proposal to seek clarification on the explanatory note to Table 3 of the GSFA

There seemed to be general support for the revised proposal put forward in the second circular which was proposed by Canada. The alternative proposal put forward by New Zealand and IDF also received support.

Final EWG Proposal for revised "Explanatory Note"

Based on the general support for the revised proposal put forward by Canada, we propose the following revised "Explanatory Note"

EWG recommendation for revised "Explanatory Note" (with additions shown in **bold underlined text**):

Explanatory Note: Determining the Use of Table 3 Additives in Foods Covered by Commodity Standards Based on the Revised Approach

If a commodity standard covers the use of foods in food categories that are contained in the Annex to Table 3, then Table 3 does not apply to the commodity standard.

All food additive permissions for foods covered by food categories listed in the Annex to Table 3 must be listed in Tables 1 and 2 of the GSFA.

If a commodity standard covers a food category that is not listed in the Annex to Table 3, then the user should refer to the "References to Commodity Standards for GSFA Table 3 Additives" section of Table 3, **as follows:**

- If the section specific to the commodity standard indicates that all Table 3 additives are permitted for use in foods covered by the standard, then any food additives listed in Table 3 may be used in foods covered by the standard.
- If the text indicates that only Table 3 additives with specific functional classes may be used (e.g. acidity regulator), then any Table 3 additive listing the noted functional class in column 3 of Table 3 may be used in foods covered by the commodity standard.
- If the text indicates that "only certain Table 3 food additives (as indicated in Table 3)" **or that "only certain <Functional Class(es)> (as indicated in Table 3)" (e.g., "only certain acidity regulators")** are permitted for use in foods covered by the commodity standard, then the user may refer to column 5 of Table 3 where the commodity standard number will be listed for the particular Table 3 food additives that are permitted for use in the commodity standard. **These stipulations are used, respectively, when: 1) the commodity standard limits use to certain food additives within Table 3; or 2) limits use to certain food additives within a specific functional class(es) within Table 3.**