

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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CL 2020/50/OCS-CF  
July 2020

**TO** Codex Contact Points  
Contact Points of international organizations having observer status with Codex

**FROM** Secretariat,  
Codex Alimentarius Commission,  
Joint FAO/WHO Food Standards Program

**SUBJECT** Request for comments on work on maximum levels for cadmium in certain categories of chocolates and cocoa derived products

**DEADLINE** 30 September 2020

## BACKGROUND

1. Within the framework of the discussion<sup>1</sup> of maximum levels (MLs) for cadmium in chocolates and cocoa-derived products, the last session of the Codex Committee on Contaminants in Foods (CCCF13, 2019) agreed to recommend an ML of 0.3 mg/kg of cadmium for the category of chocolates containing or declaring <30% total cocoa solids on a dry matter basis for final adoption at Step 5/8 by the 42<sup>nd</sup> Session of the Codex Alimentarius Commission (CAC42, 2019).
2. CAC42 considered the proposal, and following a lengthy discussion, adopted the ML at Step 5, and advanced it to Step 6, for comments and consideration by CCCF14 (2021) at Step 7, on the understanding that: discussion in CCCF would be limited to the ML of 0.3 mg/kg for chocolates containing or declaring <30% of total cocoa solids on a dry matter basis; the concept of proportionality should be maintained as agreed by CCCF on the adopted MLs by CAC41 (2018); and, if new additional information provided does not justify a change to the ML, CCCF14 (2021) will recommend the adoption of the ML of 0.3 mg/kg by CAC. The Commission further confirmed that, upon such recommendation by CCCF14, CAC shall adopt the ML without further discussion. Reservations were expressed to this decision.<sup>2</sup>
3. CCCF13 further agreed to task the Electronic Working Group (EWG), chaired by Ecuador and co-chaired by Ghana, to continue working on the MLs for the remaining categories of chocolates (i.e. chocolates containing or declaring ≥30% to <50% of total cocoa solids on a dry matter basis) and cocoa-derived products (i.e. cocoa powder, 100% total cocoa solids on a dry matter basis) for consideration at CCCF14 using a proportional approach considering the chocolate categories agreed to by CCCF and adopted by CAC (i.e. XXXXX).
4. In order to facilitate the consideration of the remaining MLs, CCCF13 encouraged continued data submission onto GEMS/Foods. In response to this, a call for data was issued by Secretariat of the Joint FAO/WHO Expert Committee on Food Additives (JECFA) in 2019. The interim report of the EWG is available as CX/CF 20/14/6 and comments thereto in reply to circular letter CL 2020/19-CF are compiled in CX/CF 20/14/6-Add.1.
5. CCCF13 further agreed that, if consensus could not be reached at CCCF14 for the remaining categories, work would be discontinued until the Code of practice for the prevention and reduction of cadmium contamination in cocoa beans was finalized and implemented.<sup>3</sup>

<sup>1</sup> CCCF06 (2012) – CCCF19 (2019), see CL 2019/81-CF for an overview of the discussion of MLs for cadmium in chocolates and certain cocoa-derived products in CCCF (including relevant references).

Circular letters can be downloaded from the dedicated Codex website:

<http://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/en/>

or from the CCCF website on related circular letters:

<http://www.fao.org/fao-who-codexalimentarius/committees/committee/related-circular-letters/pt/?committee=CCCF>

Working documents for sessions of CCCF, including their reports, can be downloaded from the CCCF website:

<http://www.fao.org/fao-who-codexalimentarius/committees/committee/related-meetings/pt/?committee=CCCF>

<sup>2</sup> REP19/CAC, paras. 52-67, Appendix III

Working documents for sessions of CAC, including their reports, can be downloaded from the CAC website:

<http://www.fao.org/fao-who-codexalimentarius/committees/cac/meetings/pt/>

<sup>3</sup> REP19/CF, paras. 45-56

6. Following the data submission in reply to the JECFA call for data, the FAO/WHO JECFA Secretariats have prepared a paper outlining an analysis of the data. The data reflect a wider global distribution of occurrence data of cadmium in cocoa products compared to 2013 when JECFA77 evaluated the same products. The additional data seem to indicate a higher mean occurrence concentration for cadmium in cocoa products than previously observed by JECFA. The paper concludes that it would be important to update the dietary exposure assessment of cadmium from all food sources, particularly chocolates and cocoa products and is currently putting the necessary preparatory steps in action. The updated dietary exposure assessment to cadmium from all food sources is expected to become available in 2021.<sup>4</sup>
7. CCCF14 will be considering the ML for chocolates containing or declaring <30% total cocoa solids on a dry matter basis (at Step 7) and the proposals from the EWG for MLs for chocolates and chocolate products containing or declaring ≥30% to <50% total cocoa solids on a dry matter basis; and cocoa powder (100% total cocoa solids on a dry matter basis) using the proportional approach (at Step 4).

#### REQUEST FOR COMMENTS

8. In light of the report of the JECFA Secretariat, there is a need to consider how to (i) facilitate consideration of the ML for chocolate containing or declaring <30% total cocoa solids on a dry matter basis and (ii) provide guidance to the EWG on their work on the MLs for chocolates containing or declaring ≥30% to <50% total cocoa solids on a dry matter basis and cocoa powder with 100% total cocoa solids on a dry matter basis
9. Such considerations may include the following:
  - 9.1 **ML for chocolates containing or declaring <30% total cocoa solids on a dry matter basis: For consideration at CCCF14 at Step 7**
    - Retain the ML of 0.3 mg/kg for chocolates containing or declaring <30% total cocoa solids on a dry matter basis at Step 7 awaiting the outcome of the JECFA evaluation on cadmium.
  - 9.2 **MLs for the remaining categories of chocolates and cocoa-derived products: For consideration in the EWG and at CCCF14 at Step 4**
    - Suspend<sup>5</sup> the consideration of MLs for chocolates containing or declaring ≥30% to <50% total cocoa solids on a dry matter basis and cocoa powder with 100% total cocoa solids on a dry matter basis awaiting the outcome of the JECFA evaluation on cadmium.
10. Codex member countries and observer organizations are kindly invited to provide their comments and proposals on possible next steps for the CCCF on the work on cadmium in chocolates and cocoa-derived products taking into account the analysis and conclusions of the FAO/WHO JECFA Secretariat as indicated in CX/CF 20/14/3-Add.1.
11. The report of the FAO/WHO JECFA Secretariat is available on the Codex webpage<sup>6</sup> and should be used for information and guidance when submitting comments on the way forward for CCCF as described in points 9.1 – 9.2 of this CL.

#### GUIDANCE ON THE PROVISION OF COMMENTS THROUGH THE OCS

12. Comments should be submitted through the Codex Contact Points (CCPs) of Codex members and observers using the Codex Online Commenting System<sup>7</sup> (OCS).
13. CCPs of Codex members and observers may login to the OCS and access the document open for comments by selecting “Enter” in the “My reviews” page, available after login to the system.
14. Other OCS resources, including the user manual and short guide, can be found at the following link: <http://www.fao.org/fao-who-codexalimentarius/resources/ocs/en/>.
15. For questions on the OCS, please contact [Codex-OCS@fao.org](mailto:Codex-OCS@fao.org).

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<sup>4</sup> CX/CF 20/14/3-Add.1

<sup>5</sup> **Note:** suspension of work implies that work will be held in the Step procedure and will resume following availability of the JECFA report on the evaluation of cadmium as opposed to discontinuation of work. Therefore, work will proceed as described in the project document agreed by CCCF and approved by CAC in 2013 and as amended by CCCF during its discussion on MLs as per the chocolate categories / cocoa products concerned for the establishment of MLs.

<sup>6</sup> <http://www.fao.org/fao-who-codexalimentarius/meetings/detail/pt/?meeting=CCCF&session=14>

<sup>7</sup> <https://ocs.codexalimentarius.org/>