CODEX ALIMENTARIUS COMMISSION E

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World Health Organization

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Agenda Item 7.4 **CX/FO 21/27/8 Part IV**
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FATS AND OILS

Twenty-Seventh Session

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PROPOSALS FOR NEW WORK
(Replies to CL 2019/54-FO)

PART IV – PROPOSED AMENDMENT/REVISION TO THE *STANDARD FOR FAT SPREADS AND BLENDED SPREADS* (CXS 256-2007): SECTIONS 2 (DESCRIPTION) AND 3 (ESSENITIAL COMPOSITION AND QUALITY FACTORS)

DISCUSSION PAPER

(Submitted by the European Margarine Association (IMACE))

Codex Members and Observers wishing to submit comments, on the **project document for new work revision of CXS 256-2007 (Appendix 1)**, should do so as instructed in CL 2021/36/OCS-FO available on the Codex webpage/Circular Letters 2021:
http://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/es/

Background

1. The 26th session of the Codex Committee on Fats and Oils (CCFO26) agreed to issue a circular letter[1] calling for proposals for new work including amendments to existing standards. The letter invites both members and observers to submit proposals via Codex Contact Points. Proposals should include both a discussion paper and a project document for discussion at the 27th session (in 2021).

Issues

2. The Codex Standard for Fat Spreads and Blended Spreads (CXS 256-2007), was adopted in 1999, revised in 2007 and 2009. Further amended in 2017 and 2019 insofar as necessary to accommodate revocation of the several food additive provisions pursuant to the Codex Committee on Food Additives. Despite the amendments and revisions made to the standard, there are at present a few areas that require attention.
   i. The current Definition of "Fat Spreads and Blended Spreads" uses the term 'Plastic'. This is inconsistent with the descriptions in related standards[2] for products having essentially the same physical characteristics and furthermore has a negative image which may make products less attractive to consumers.
   ii. Current scientific consensus places emphasis on fat-quality as well as fat-quantity. Products covered by this standard increasingly offer better fat-quality (reduced saturated fat, increased mono- and poly-unsaturated fat[3]) and in accordance with the WHO REPLACE[4] programme and regulatory changes, levels of trans-fatty acids have fallen significantly. Many lower-fat products are also widely available. However, the standard currently differentiates products based on fat quantity.
   iii. It should also be noted that levels of lactose intolerance are very high in most countries outside Europe and North America, in several cases almost 100%, while globally 68% of adults are lactose

[1] CL 2019/54-FO

[2] See CXS 253-2006 and CXS 279-1971

[3] Proximate values for 12-500 & 17-685 / 17-661. McCance and Widdowson. "Composition of foods integrated dataset (CoFID)." (2015, revised 2019)

[4] WHO Report on Global Trans Fat Elimination 2019
https://apps.who.int/iris/bitstream/handle/10665/331300/9789241516440-eng.pdf

intolerant[5]. Fat Spreads provide an alternative to Dairy Spreads and Butter and play an important role in provision of vitamins and essential fatty-acids, and so barriers to popular use should be minimised.

iv. While there are standards that describe products containing only animal-derived fat (i.e. Butter, CXS 279-1971) and mixed-origin fat (CXS 253-2006 and the current CXS 256-2007), there is no standard that adequately describes products containing only plant-derived fats. This is particularly important in light of the above remarks on fat-quality, and for sustainability, recognising that production of raw materials for such products requires significantly less water and emits less Carbon Dioxide than products comprising only, or mainly animal-derived fats[6]. Furthermore, consumer demand for this kind of product is increasing[7] Hence, better consideration of products containing only plant-derived fats is justified.

Conclusion

3. It is recommended that the Committee consider the issues raised in the discussion paper and agree to initiate new work to amend the Fat Spreads and Blended Spreads Standard, in terms of description and categorization as set out in the attached Project Document in Appendix I.

[5] Storhaug CL. *Country, regional, and global estimates for lactose malabsorption in adults: a systematic review and meta-analysis.* The Lancet Gastroenterology & Hepatology 2017.

[6] EAT-Lancet Report, WRI Sustainable Food Future Report or IPCC report on climate & land

[7] https://plantbasedfoods.org/2019-data-plant-based-market/ and/or https://www.marketresearchfuture.com/reports/plant-based-food-market-8578

APPENDIX I

PART IV – PROPOSED AMENDMENT/REVISION TO THE *STANDARD FOR FAT SPREADS AND BLENDED SPREADS* (CXS 256-2007): SECTIONS 2 (DESCRIPTION) AND 3 (ESSENITIAL COMPOSITION AND QUALITY FACTORS)

PROJECT DOCUMENT

(Submitted by the European Margarine Association (IMACE)

1. Purpose and scope of the standard

The purpose and scope of the work is to amend the *Standard for Fat Spreads and Blended Spreads* (CXS 256-2007) in order to align definitions (Section 2.1) with products having similar physical properties and to update the compositional standards (Section 3.1) to better reflect the range of products falling under this standard currently offered in global markets.

2. Relevance and timeliness

Spreads and Blended Fat spreads are an important part of the diets of people around the world. They are highly versatile, they can be used for cooking, baking and spreading and at many eating occasions. Innovation over the last twenty years has introduced products with lower fat content, healthier fat profiles, fortification, functional ingredients to actively reduce hypercholesterolemia. Furthermore, voluntary initiatives by leading manufacturers since the mid 1990's have enabled the elimination of industrial trans-fatty acids from these products in certain markets, while the WHO REPLACE program is driving change elsewhere.

These developments and innovation in the category have not been reflected in the applicable Codex Standard. The revisions and amendments to CXS 256-2007 since its adoption in 1999 have principally dealt with changes to permitted food additives, while the Description and Essential Composition and Quality Factors have hardly been updated. The standardization of products falling within the scope of the Standard follows the approach initially established in the 1980's, namely a simple set of total-fat thresholds. This approach no longer serves the needs of consumers and international trade, who have a much more developed and nuanced understanding of the impact of fat type and origin on health, and on the environment.

Since the Standard is almost twenty years old and is based on some principles that are even older, revision is needed to incorporate recent developments and ensure its continuing relevance, and that consumer safety and international trade objectives continue to be met.

3. Main aspects that should be covered

Amendment of two elements is proposed:

(1) In accordance with the intent of this Committee (CCFO) expressed at the sixteenth session, to correct the inconsistency in the Description of Fat Spreads and Blended Spreads (CXS 256-2007) in relation to the Standard on Dairy Fat Spreads (CXS 253-2006).

(2) To update the Essential Composition and Quality Factors to account for market development since the standard was adopted.

At the sixteenth session, this Committee recognized that parallel to the development of the Standard on Fat Spreads and Blended Spreads (CXS256), the Codex Committee on Milk and Milk Products was developing a standard on Dairy Spreads (CXS253). It was agreed to continue the work as the products within scope were different, and it was recorded that the standard should "***maintain****[e]* ***consistency in all respects****,* ***as appropriate, with the Proposed Draft Standard for Dairy Spreads****."*[8]

The Committee will recall that at the seventeenth session there was disagreement[9] about whether liquid margarines should be included within the scope and whether 'spreadability' and being solid at 20'C were essential characteristics of Fat Spreads and Blended Spreads. The solution proposed by the Canadian delegation[10] and adopted by the Committee was to amend the definition to its present wording:

"The products covered by this standard are foods that are plastic or fluid emulsions, principally of water and edible fats and oils" (CXS 256-2007, 2.1)

However, the Description used by the Codex Standard for Dairy Fat Spreads uses different wording:

"Dairy fat spreads are products relatively rich in fat in the form of a spreadable emulsion principally of the type of water-in-milk fat that remains in solid phase at a temperature of 20'C." (CXS 253-2006, 2)

[8] ALINORM 99/17 Para. 125
[9] ALINORM 01/17 Paras. 37-39
[10] CX/FO 01/5-Add.1 (Canada)

Furthermore, the Description used in the Codex Standard for Butter uses wording similar to the Dairy Fat Spreads standard:

"Butter is a fatty product derived exclusively from milk and/or products obtained from milk, principally in the form of an emulsion of the type water-in-oil." (CXS 279-1971, 2)

Evidently the definition used in the Fat Spreads and Blended Spreads is not consistent with the definitions used in related standards.

From both a consumer and a technical perspective, the physical properties of Fat Spreads and Blended Spreads are the same as Dairy Spreads, and respecting the intent of the Committee at the sixteenth session, the same terms should therefore be used to describe the physical properties of these products. Furthermore, inclusion of the term 'plastic' albeit used correctly from a scientific point of view to describe physical properties, is redundant (otherwise its use regarding the description of Dairy Spreads and Butter would also be required) and may have contributed to the development of a common misconception among some consumers that Fat Spreads and Blended Spreads contains 'plastic': Therefore, unintentionally mislead consumers as to the true nature of the product.

The introduction of the terms "plastic or fluid emulsion" was made in CX/FO 01/5-Add.1 without reference to legitimate consumer safety or trade concerns. In today's parlance, "plastic" carries obvious negative health and environmental connotations. As a result, products that are defined as "plastic" suffer prejudice in the marketplace in the eyes of consumers. This prejudice is particularly acute when the word "plastic" is selectively used to define products that are part of a broader group of competing products. In that event, the selective use of the word "plastic" places the products defined by the word 'plastic' at a significant competitive disadvantage compared with competing products.

There has been significant innovation in Fat Spreads and Blended Spreads, and in Dairy Spreads since the respective Codex Standards were adopted. In response to consumer demand for healthier and more sustainable products, the Fat Spreads and Blended Spreads category is expanding with products that contain lower levels of fat, saturated fat and increasingly, without any animal derived ingredients. Also, thanks to a combination of voluntary efforts by industry and increasing regulatory attention, great strides have been made towards the elimination of trans-fatty acids of industrial origin.

However, in the current text, the Essential Composition and Quality Factors only differentiates products containing more, or less than 80% total fat, and those with more or less than 3% milk fat. There is also little regard for the origin of the fats, which is of increasing importance to consumers.

Therefore, it is proposed that:

1) A product containing mixed animal- and plant-fat, where the animal (e.g. dairy) fat comprises between 3% and 50% shall be a *Blended Spread*
2) A product containing only plant-fat, with a total fat content of less than 80% shall be a *Plant Spread (previously 'Fat Spread')*
3) A product containing only plant-fat, with a total fat content of 80-90% shall be a *Plant Butter (previously Margarine)*
4) Low- and Reduced-fat terms may be applied in accordance with CAC/GL 23-1997

Therefore, it is proposed to amend the following sections of CXS 256-2007 as follows:

2. Description

2.1 Plant Spreads and Blended Spreads

The products covered by this standard are foods that are a spreadable emulsion principally of the type water-in-edible fats and oils.

3. Essential Composition and Quality Factors

3.1 Composition

3.1.1 Plant Spreads

3.1.1.1 These products contain between 50-80% fat which all is derived from plant sources. No animal (including dairy) fats may be used.

(a) Plant butter total fat 80-90%

(b) Plant spread total fat 50-80%

3.1.2 Blended Spreads

3.1.2.1 These products contain between 50-80% fat, of which, some from animal (including dairy) origin.

(a) Blended Spread total fat up to 80%
(animal fat 3-50%, including dairy)

4. An assessment against the criteria for the establishment of work priorities

Criteria applicable to commodities:

General Criterion

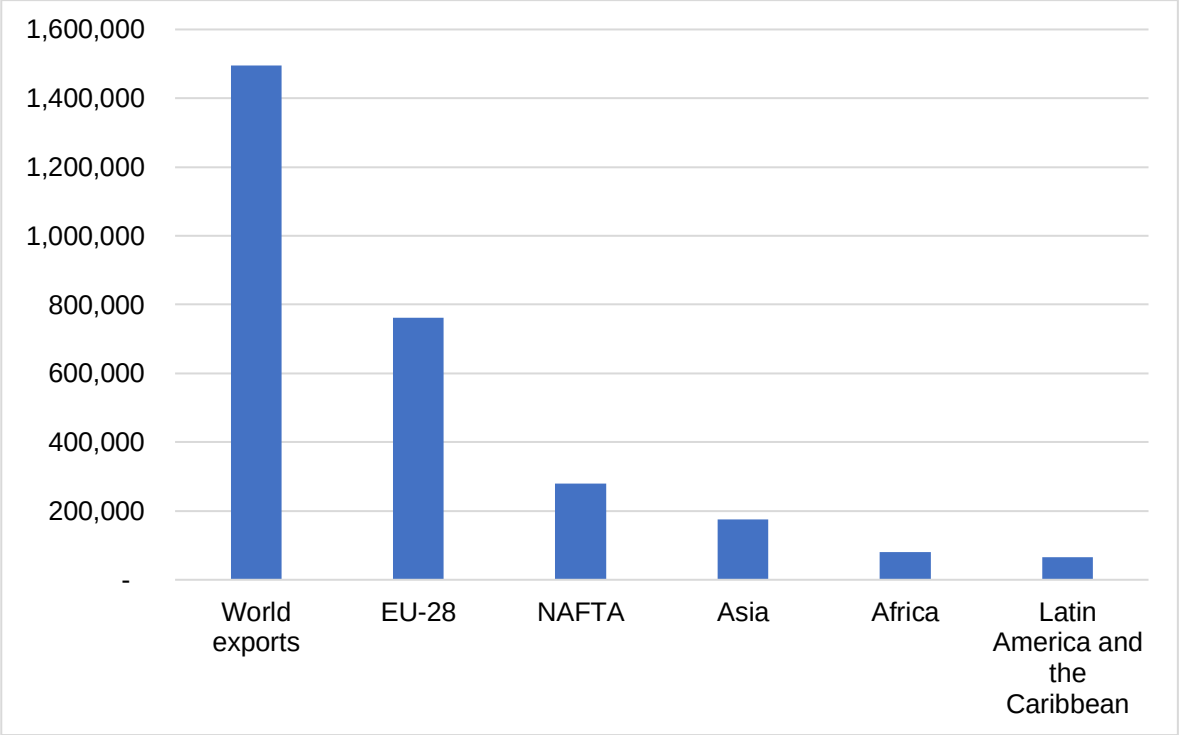
Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries

There are already provisions in the *Standard for Fat Spreads and Blended Spreads (CXS 256-2007)* to ensure consumer protection in terms of food safety and authenticity of these products. The proposed revisions will serve to enhance international trade in Fat Spreads and Blended Spreads, to ensure their quality and consistency in global practices.

a) Volume of production and consumption in individual countries, and volume and pattern of trade between countries

To illustrate the global trade in Fat Spreads and Blended Spreads, the chart and table below shows the value of global trade in Margarine. This data excludes production for domestic consumption.

Figure 1: World trade and intra-regional trade in margarine (6-digit HS code: 151710; in USD thousand)



Source: Trademap.org

Table 1: Sample of margarine exporting countries and its world market share (6-digit HS code: 151710; in USD thousand)

Exporters	Exported value in 2018	World market share
Netherlands	180,099	12.1%
Poland	162,175	10.9%
Germany	91,004	6.1%
Indonesia	79,740	5.3%
United States of America	31,667	2.1%
Kenya	26,794	1.8%
Sri Lanka*)	198	0.0%
World export	**1,494,440**	**100%**

*) not final

Source: Trademap.org

b) Diversification of national legislations and apparent resultant or potential impediments to international trade

The proposed revision of the Standard for Fat Spreads and Blended Spreads (CXS 256-2007) would facilitate harmonization with standards for similar products and reduce impediments to the international trade in Fat Spreads and Blended Spreads.

c) International or regional market potential

The proposed revision will serve to enhance the international trade in Fat Spreads and Blended Spreads, thus driving demand for key raw materials, such as plant oils (such as Sunflower, Rapeseed, Canola, Shea, Soybean, Palm), and promote healthier and more sustainable diets.

d) Amenability of the commodity to standardization

Fat Spreads and Blended Spreads have been standardized for many years, (for example CXS 32-1981) and later the Codex Standard on Fat Spreads and Blended Spreads. These standards are widely used by governments and industry.

e) Coverage of the main consumer protection and trade issues by existing or proposed general standards

Consumer Protection

The description of “plastic” unintentionally misleads consumers as to the true nature of the food by confusing consumers to believe that ‘plastic’ is an ingredient. As a result, these products that are defined as “plastic” unfairly suffer prejudice in the marketplace in the eyes of consumers.

Consumer demand for more sustainable foods should be met with products easily identifiable as comprising plant fat.

Trade Issues

Amendment of the standard will address the following trade issues:

All fat-based spreads are in a close competitive relationship. Inclusion of the term ‘Plastic’ in the Definition of Fat Spreads and Blended Spreads, and not in the definition of Dairy Spreads and Butter creates a competitive disadvantage for the spreads defined as “plastic”. This disadvantage amounts to de facto origin-based discrimination against countries that export primarily Fat Spreads and Blended Spreads, which have little-or-no milk-fat, as compared with countries that export primarily milk-fat-based spreads. As a result, the Codex standards, and national laws and regulations based on them, may violate World Trade Organization non-discrimination rules.

The word “butter” is used in three Codex standards. It is used on its own in the standard for high fat content, dairy-based spreads. It is also used in two other Codex standards, for “cocoa butter” and “shea butter”. In respect of these two products, the word “butter” is used in relation to plant-based fat products. Codex, therefore, treats the word “butter” as a generic term used for fat-based products derived from either plants or

animals.[11] This understanding is supported by the ordinary meaning of the word "butter" as including "various substances, chiefly derived from plants" that resemble dairy butter in appearance or consistency.[12] However, CXS 256 does not currently use this word to designate plant-based spreads, even though they resemble dairy spreads in terms of fat content, appearance, and consistency and so fulfil the ordinary meaning of the word. Use of the name 'plant butter' would appropriately describe the characteristic quality of the food and is expressly permitted[13]. Further in many countries butter is used to denote dairy butter and margarine interchangeably, such as 'boter' in the Netherlands and 'mentega' in Indonesia.

In addition, while there is an exclusive designation for spreads whose fat content is exclusively animal-based, like dairy butter, there is no designation for exclusively plant-based spreads. As a result, although Codex's standards are designed to enable consumers to identify exclusively animal-based spreads, they do not enable consumers to identify exclusively plant-based products.

f) Number of commodities which would need separate standards indicating whether raw, semi processed or processed

This item is not relevant to this proposal

g) Work already undertaken by other international organizations in this field

There is no other known international organization which has already undertaken this work and we are not aware of any plans to do so.

5. Relevance to Codex strategic objectives

This proposed revision is fully consistent with the Codex Strategic Plan 2020-2025:

Goal 1: Address current, emerging and critical issues in a timely manner (objective 1.2) - adoption of this revision will demonstrate timely response to identified issues.

Goal 3: Increase impact through the recognition and use of Codex standards (objective 3.2) - adoption of this revision will enable modernization of national standards and adoption by the food trade.

Furthermore, the nature of the proposed amendment supports United Nations Sustainable Development Goals 3 (Ensuring healthy lives and promoting well-being for all, at all ages) and 12 (Ensuring sustainable consumption and production practices)

6. Information on the relation between the proposal and other existing Codex documents as well as other ongoing work

This proposal is an amendment to the existing *Codex Standard for Fat Spreads and Blended Spreads* (CXS 256-2007). Other existing standards are not affected.

7. Identification of any requirement for and availability of expert scientific advice

No expert scientific advice from external bodies is necessary.

8. Identification of any need for technical input to the standard from external bodies so that this can be planned for

IFMA/IMACE represents the manufacturers of Fat Spreads and Blended Spreads and may be consulted as needed.

9. The proposed timeline for completion of the new work, including the start date, the proposed date for adoption at step 5, and the proposed date for adoption by the Commission

Approval as new work by the 45th Session of the Codex Alimentarius Commission (CAC45)

Consideration of the proposed draft revisions at Step 3 at CCFO28

Final adoption at Step 5/8 by CAC47.

[11] See, Codex Standard for Cocoa Butter (CXS 86-1981) and Codex Regional Standard for Unrefined Shea Butter (CXS 325R-2017).

[12] Oxford English Dictionary Online, "butter", *n.*, available at https://www.oed.com/view/Entry/25387?rskey=JcmEaC&result=1#eid. This dictionary definition gives "cocoa butter, mahua butter, palm butter, vegetable butter" as examples.

[13] section 4.6.2 of the CODEX STAN 206-1999 http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCXS%2B206-1999%252FCXS_206e.pdf