

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
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Organization

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Agenda Item 3(a)

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Fifty-third Session

MATTERS OF INTEREST ARISING FROM FAO/WHO AND FROM THE 92ND AND 95TH MEETINGS OF THE JOINT FAO/WHO EXPERT COMMITTEE ON FOOD ADDITIVES (JECFA) RESPECTIVELY

(Comments of Burundi, India, Kenya, Nigeria, Paraguay, Russian Federation, Rwanda, Senegal, South Africa, IACM, ICBA and IFT)

Burundi

Matters of Interest arising from FAO/WHO and from the 92nd and 95th Meetings of the Joint FAO/WHO Expert Committee on Food Additives (JECFA) respectively CX/FA 23/53/3 (annex 1 and Annex 2).

Food additives evaluated toxicologically and/or considered for specifications at the 92nd and 95th JECFA meeting.

Comment: Burundi has no objection to annex 1 and annex 2 and supports adoption of the food additives as recommended.

India

Annex 1

Food additives evaluated toxicologically and/or considered for specifications at the 92nd JECFA meeting

Benzoic Acid, its salt and derivatives: India supports the adoption of the full specification for benzoic acid and its salts in view of the noted changes to the ADI. Additionally, India requests the removal of the 'interim' qualifier found in the existing benzoate beverage 14.1.4 provision, and the 'interim' Footnote "Note 301 Interim maximum level until CCFA53" be deleted from the Codex GSFA.

Kenya

Matters of Interest arising from FAO/WHO and from the 92nd and 95th Meetings of the Joint FAO/WHO Expert Committee on Food Additives (JECFA) respectively. Meetings of the Joint FAO/WHO Expert Committee on Food Additives (JECFA) respectively CX/FA 23/53/3

Comment: Kenya supports the adoption of the recommended ADIs based on JECFA's evaluation.

Justification: Upon review of the JECFA report on the evaluation of the additives, Kenya agrees with the findings and procedure applied during the evaluations and supports the adoption.

Nigeria

AGENDA 3.1: Matters of Interest Arising from FAO and WHO and from the 92nd and 95th meetings of the Joint FAO/WHO Expert Committee on Food Additives JECFA (respectively) CX/FA 23/53/3

A: Matters for information:

Inclusion of individual food additives under the same group header 1. In the Procedural Manual¹, it is described that food additives that share a numerical group ADI will be considered as a group without further restrictions on the use of individual additives in that group. However, in some cases, restrictions on the use of individual additives in that group could be appropriate (e.g., because of public health concerns).

JECFA evaluation for Riboflavin from *Ashbya gossypii* and the pertinent provisions in the GSFA 4.

The 92nd JECFA conducted the safety evaluation for Riboflavin from *Ashbya gossypii* (INS 101(iv)), established a group ADI "not specified" for riboflavin, riboflavin- 5'-phosphate, riboflavin from *B. subtilis* and riboflavin from *A. gossypii*, expressed as riboflavin and withdrew the previous group ADI of 0–0.5 mg/kg bw.

There are three individual food additives under the group header RIBOFLAVINS, i.e., Riboflavin, synthetic (INS 101(i)), Riboflavin 5'-phosphate sodium (INS 101(ii)) and Riboflavin from *Bacillus subtilis* (INS 101(iii)).

Recommendations:

Based on the evaluation results of the 92nd JECFA meeting and following the decisions of CCFA51 and CCFA52, it is proposed that CCFA53 consider the following:

- the provisions for the four food additives (INS 101(i), INS 101(ii), INS 101(iii), INS 101(iv)) in Table 3 at Step 3
- the appropriateness of including Riboflavin from *Ashbya gossypii* (INS 101(iv)) under the group header RIBOFLAVINS in the GSFA
- the impact on all provisions for RIBOFLAVINS in Tables 1 and 2 when the provisions contained in Annex 1 to the document are adopted,

Comment: Nigeria in agreement to include Riboflavin in the new header and the New Food Additives to added at step 3.

MATTERS RELATED TO SPIRULINA EXTRACT (INS 134)

Background

At the 86th meeting of JECFA, the evaluation of spirulina extract (INS 134) resulted in the assignment of tentative specifications for this food additive. Due to the tentative nature of the specifications, a temporary ADI of "not specified" was established.

At the 95th meeting of JECFA, a re-evaluation of specifications for spirulina extract (INS 134) was conducted, and the tentative specifications were revised and the corresponding denomination "tentative" was removed from the specifications. As a consequence, the temporary status of the ADI "not specified," which was determined at the 86th meeting, was also removed.

Recommendations

Based on the evaluation results of the 95 th JECFA meeting and following the decisions of CCFA512 and CCFA523 , it is proposed that CCFA53 consider the inclusion of a provision for spirulina extract (INS 134) in Table 3 at Step 3 (see Annex 1 of the document).

Comment: Nigeria accepts inclusion of spirulina into table 3 at step 3

AGENDA 3A. MATTERS OF INTEREST ARISING FROM FAO/WHO AND FROM THE 92ND AND 95TH MEETINGS OF THE JOINT FAO/WHO EXPERT COMMITTEE ON FOOD ADDITIVES (JECFA) RESPECTIVELY CX/FA 23/53/3

A. Matters of information from FAO:

The 171st Session of the FAO Council (December 2022) has endorsed the FAO Strategic Priorities for Food Safety. The Strategic Priorities describe how FAO's work on food safety will contribute to the 2030 Agenda in alignment with FAO's Strategic Framework 2022-31.

B. Matters of information from WHO:

The WHO Global Strategy for Food Safety 2022-2030 was adopted by the WHA75 in May 2022. It updates the last strategy in order to address current and emerging challenges, incorporate new technologies, and include innovative approaches for strengthening national food safety systems

Both organizations continue to jointly prioritize the requests for scientific advice taking into consideration the criteria proposed by Codex as well as the requests for advice from Member Countries and the availability of resources. A list of all pending requests for scientific advice by JECFA will be posted on the respective FAO and WHO websites.

CCFA53 is invited to consider the recommended actions (presented in Annex 1 to this document) which might be required following the evaluations of these food additives.

Comment: Nigeria has no comments because the report is for information purposes

Paraguay

Anexo I del documento Paraguay apoya las medidas recomendadas para el CCFA en relación al aditivo alimentario Ac. Benzoico, sus sales y derivados (SIN 210, 211, 212, 213)

Tema 3.2 CX/FA 23/53/4: Anteproyectos de especificaciones de identidad y pureza de los aditivos alimentarios formuladas por el JECFA en sus reuniones 92.^a y 95.^a, respectivamente

Paraguay, apoya las recomendaciones para que el CCFA 53 revise las especificaciones designadas como completas de los aditivos alimentarios enumerados en los anexos 1 y 2 para su adopción en la CAC 46.

Russian Federation

The Russian Federation requests to take into account the position presented in this document on some issues of the agenda of the 53rd session of the Codex Committee on Food Additives:

Benzoic acid, its salts and derivatives (INS 210, 211, 212, 213)

The Russian Federation notes that the increase in ADI of benzoic acid and its benzoate salts from 0-5 mg/kg to 0-20 mg/kg, proposed by JECFA, would lead to technologically unjustified increase of these food additives MLs, not only in beverages, but in all kinds of food products as well. We suggest that JECFA calculate human dietary intake of benzoic acid and its benzoate salts taking into account age and consumption of different food categories and supplement the report of the 92nd JECFA meeting with this information.

Rwanda

| AGENDA ITEM | Section or Paragraph | Nature of comment (Indicate whether technical or editorial) | Comment/Proposed Changes | Rationale |
|----------------|------------------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda item 3a | Matters Referred by WHO/FAO – 92nd and 95th JECFA Meetings | Technical | Rwanda appreciates the conclusions of the 92nd and 95th Meeting of Joint FAO/WHO Expert Committee on Food Additives and supports the adoption of the specifications for the additives detailed in the Compendium of food additive specifications (FAO JECFA monograph 27), hence recommends their adoption by CAC46 as Codex Specifications Additionally, Rwanda suggests that the 'interim' qualifier in the existing benzoate beverage 14.1.4. provision be removed, and the 'interim' footnote 301 be deleted from the Codex GFSA | In addition to the purity and identity specifications, the committee has considered the risk assessment data of the mentioned additives which show higher levels of margin of exposure compared to the MOE of 100 required for a product to be considered as protective. As the specification for Benzoic acid and its salts are designated as Full, therefore the "interim" qualification becomes obsolete once the specifications are adopted by CAC46 |

Senegal

- Actions requises à la suite de modifications du statut de la dose journalière admissible (DJA) et d'autres recommandations toxicologiques du JECFA

Contexte : L'examen des recommandations du JECFA suite à l'évaluation de l'innocuité d'additifs alimentaires (acide benzoïque, sels de benzoate ; riboflavine provenant d'*Ashbya gossypii* (*la riboflavine n'est plus produite synthétiquement pour être utilisée comme additif alimentaire et recommande que le CCFA reconsidère l'exigence de normes pour la riboflavine, synthétique (SIN 101(i))*) et d'auxiliaires technologiques à des fins de normes (Voir CX/FA 23/53/3 Annexe 1).

Position : le Sénégal marque son accord sur les différentes recommandations du JECFA suite à l'évaluation de ces additifs alimentaires et auxiliaires technologiques.

Justification : Les recommandations sont basées sur des évaluations scientifiques menées par le JECFA.

South Africa

South Africa supports the adoption of the full specifications of food additives substances evaluated by JECFA.

In the case of benzoic acid, the temporary note 301- "Interim maximum level until CCFA53" attached to food category 14.1.4 should be deleted on the GSFA.

Rationale: The specifications were developed by JECFA, which is a recognized independent scientific expert committee. Note 301 will no longer be applicable if CCFA53 adopts the revised specifications for id Benzoic acid, its salts and derivatives.

IACM (International Association of Color Manufacturers)

IACM strongly supports the proposal that CCFA53 include a provision for spirulina extract (INS 134) in Table 3 at Step 3 per Annex 1 of CX/FA 23/53/3 Add. 2.

ICBA (International Council of Beverages Associations)

ICBA draws CCFA's attention to the benzoate beverage provision in FC 14.1.4. with the annotated footnote 301, which expires during this CCFA53 session. The current footnote Note 301 reads: "Interim maximum level until CCFA53."

In comments ICBA submitted to CCFA in prior years, we had explained how higher levels of benzoates were needed for less acidic products to ensure adequate levels of the undissociated form be present to be an effective anti-microbial (to carry out its preservative function in beverage preservative systems) thereby meeting the minimum inhibitory concentrations. Benzoic acid anti-microbial activity is pH-dependent. For example, a beverage with pH 4.3 and 500 ppm of benzoic acid has approximately the same amount of undissociated benzoic acid (active form) as a beverage at pH 3.5 with 250 ppm of benzoic acid. To compensate for losses in the active form of benzoic acid at higher pH, an exception may be needed for these beverages. Otherwise, inadequate levels could result in microbial spoilage of the beverage.

ICBA notes that in Annex I of CX/FA 23/53/3, the Acceptable Daily Intake (ADI) for benzoic acid and its salts has been increased from 5 mg/kg bw/d to 20 mg/kg bw/d at the 92nd JECFA meeting. JECFA also indicated that the high dietary exposure estimate of 7.1 mg/kg bw per day for children aged 3–9 years does not exceed the group ADI of 0–20 mg/kg bw. Importantly, this evaluation considered the ICBA exposure assessments for beverages (see references noted below), which supports maintaining the Codex maximum benzoate use level of 250 mg kg⁻¹ in the Codex General Standard for Food Additives (GSFA) food category (FC) 14.1.4. 'Water-based flavoured drinks, including "sport," "energy," or "electrolyte" drinks and particulated drinks', and the possible consideration of higher benzoate use level (up to 438 mg kg⁻¹) only in beverages with pH > 3.5.

Should there be any desire at CCFA53 to consider some uses above 250 mg kg⁻¹, ICBA suggests the following for the Committee's consideration:

1. Maintain the current benzoate beverage provision in 14.1.4. at 250 mg kg⁻¹, on a benzoic acid reporting basis;
2. Amend the verbiage in the existing Note 301 by deleting the interim reference and replacing with the following appropriate language:

"Note 301 – Use levels up to 450 mg kg⁻¹ in beverages (as consumed) with pH > 3.5."

Relevant ICBA References:

- 1/ Darch, M., D. Martyn, K. Ngo and M.M. Jack. **2021**. [An updated estimate of benzoates intakes from non-alcoholic beverages in Canada and the United States](#), *Food Additives & Contaminants: Part A*, 38(5): 701-717. DOI: 10.1080/19440049.2020.1859624
- 2/ Danika Martyn, Annette Lau, Maryse Darch & Ashley Roberts. **2017**. [Benzoates intakes from non-alcoholic beverages in Brazil, Canada, Mexico and the United States](#), *Food Additives & Contaminants: Part A*, 34:9, 1485-1499, DOI: 10.1080/19440049.2017.1338836

IFT (Institute of Food Technologists)

In relation to the discussions due to be undertaken in relation to Agenda Item 3a, the Institute of Food Technologists (IFT), wishes to acknowledge the excellent work undertaken by the 92nd and 95th Sessions of the Joint Expert Committee on Food Additives (JECFA) held in June 2021 and June 2022, respectively, and we welcome the publication of their assessments and conclusions on a number of issues of great importance for the future work of the Codex Committee on Food Additives. As an organization whose fundamental principles are based on the promotion of, and support for, the application of the highest degree of scientific excellence in food technology and production, IFT also wishes to note the provisions of the Codex Procedural Manual (26th edition - <https://www.fao.org/3/i8608en/i8608EN.pdf>), specifically the section of the manual dealing with the Risk Analysis Principles Applied by the Codex Committee on Food Additives. This states that "CCFA shall base its risk management recommendations to the CAC on JECFA's risk assessments, including safety assessments, of food additives". It is recognized that there are numerous scientific bodies who undertake review of the latest available scientific information on food additives, however to ensure the work of CCFA is taken forward in the most transparent and consistent way possible, IFT would like to formally restate support for the provisions of the Procedural Manual which state that the risk assessments adopted by JECFA are those which should be the primary reference point for the decision making processes of the Codex Committee on Food Additives.