CODEX ALIMENTARIUS COMMISSION

Food and Agriculture Organization of the United Nations

World Health Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Items 4, 6, 7, 8a **NFSDU/43 CRD30**

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Forty-third Session

Düsseldorf, Germany

7 – 10 March with report adoption by virtual mode on 15 March 2023

Comments by Thailand

AGENDA ITEM 4: REVIEW OF THE STANDARD FOR FOLLOW-UP FORMULA (CXS 156-1987) STRUCTURE AND PREAMBLE (PREPARED BY NEW ZEALAND)

Thailand wishes to express our appreciation to New Zealand for the continuation of the effort in preparing the discussion paper on the structure and preamble for the draft standard(s) for follow-up formula (CXS 156-1987) (NFSDU/43 CRD 2, Appendix I). Further, we would like to provide our comments as follows;

Recommendation 1

Structure

We agree with option B that two separate standards: One standard for Follow-up Formula for Older Infants, and one standard for Product for Young Children.

In view of the above, we are of the opinion that the approach clearly differentiates and recognises that the two products are very different as to their composition and role in the diet for different age groups, as well as the different nutritional requirements of older infants and young children. Furthermore, the standards of part A and part B have different definitions, purposes, composition, and labelling especially name of the standards. Moreover, this option would have no procedural implications and would not affect the timeline.

Recommendation 2

Preamble

With regard to the advice from the CCEXEC75 to incorporate the concepts and technical information from WHO/WHA documents into the draft standard for follow-up formula, rather than citing the sources external to Codex. And, the table contained within NFSDU/42 CRD 2 illustrates that EWG and CCNFSDU have followed the advice of CCECEX75. Moreover, some of the WHA resolutions went beyond the mandate of Codex and therefore were inappropriate to reference. In addition, the Format for Codex Commodity Standards contained within the Procedural Manual does not require a Preamble section. In this connection, we view that the Standard(s) does not require a Preamble.

However, if CCNFSDU43 agree to one standard with two parts, Thailand proposes to delete the text in both square brackets in the Recommendation 2 of NFSDU/43 CRD2 as follows:

“This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

~~[The application of this Standard should be consistent with national health and nutrition policies and relevant national/regional legislation and take into account the recommendations made in the International Code of Marketing of Breast-milk Substitutes, as per the national context].~~

~~[Relevant World Health Organization (WHO) guidelines and policies and World Health Assembly (WHA) resolutions were considered in the development of this Standard and may provide further guidance to countrie~~

AGENDA ITEM 6: TECHNOLOGICAL JUSTIFICATION FOR SEVERAL FOOD ADDITIVES

Request for comments on (i) the technological justification for the use of certain food additives in foods complying with The Standard for Infant Formula and Formulas for Special Medical Purposes (CXS 72-1981); and (ii) the plan / programme for the consideration of remaining food additives, (Prepared by the EU, chair of the EWG)

(CL 2022/80/OCS-NFSDU, Appendix I)

Thailand wishes to express our appreciation to the EU, chair of the EWG for the continuation of the effort in preparing the update of work of the EWG on food additives (CL 2022/80/OCS-NFSDU, Appendix I).

Further, we would like to provide our comments as follows;

Annex 1

Information and comments on the technological justification of the food additives under consideration

Part A: Information provided by the applicants

a. the technological justification for the use of certain food additives in foods complying with The Standard for Infant Formula and Formulas for Special Medical Purposes (CXS 72-1981)

Thailand does not oppose with the technological justification for the use of the following food additives for use in foods complying with the standard for Infant Formula and Formulas for Special Medical Purposes (CXS 72-1981):

i. low acyl clarified gellan gum (INS 418),

iii. mixed tocopherol concentrates (INS 307b),

iv. phosphates (INS 339(i), 339(ii) and 339(iii) and INS 340(i), 340(ii) and 340(iii)

Regarding the proposed maximum use level of ascorbyl palmitate (INS 304) used in infant formula and formulas for special medical purposes intended for infants (CXS 72-1981) as GMP, it might be inappropriate and not comply with the general principle of the General Standard for Food Additives (Codex Stan 192-1995; GSFA). Therefore, the maximum use level proposed should be expressed in numerical with reference to numerical ADI for ascorbyl palmitate (0 – 1.25 mg/kg bw).

Annex 2

Plan/programme for the consideration of the food additives in CRD15REV from CCFA49

b. the plan/programme for the consideration of remaining food additives

Thailand does not oppose with the proposal to group the food additives into 5 batches in the plan / programme for the consideration in CRD15REV from CCFA49.

AGENDA ITEM 7: PRIORITIZATION MECHANISM / EMERGING ISSUES OR NEW WORK PROPOSALS

Thailand wishes to express our appreciation to Germany and Canada for the continuation of the effort in preparing the proposal of the Prioritization Mechanism / Emerging Issues or New Work Proposals)CX/NFSDU 23/43/8(. We have reviewed all proposals on the basis of the decision tree, and would like to provide our comments as follows;

1. We support the proposal 2.1 for new work; as follows:
   - **Proposal 2.1 Discussion paper on Harmonized Probiotic Guidelines for Use in Foods and Food Supplements.**
     We are of the view that probiotic microorganisms have a high impact on public health, and have been used as ingredients in a wide range of foods, beverages, and food supplements. In addition, the development of this Codex guideline will contribute to consistent fair trade practices.

2. We do not oppose with the principle of the proposals 1.2, 2.2 and 2.3; as follows:
   - **Proposal 1.2 Proposal to align the permitted uses of the folic acid source Calcium-L-Methyl Folate with those of N Pteroyl-L-Glutamic acid in the advisory list of nutrient compounds for use in foods for special dietary uses intended for infants and young children (CAC/GL 10-1979)**
     In our view, this proposal concerns about food safety based on the reliable scientific information such as EFSA and JECFA.
   - **Proposal 2.2 Guidelines including General Principles for the Nutritional Composition of foods and beverages made from plant-based and other alternative protein sources**
     We view that the guidelines may lead to more harmonized international regulations and/or standards helping to reduce trade barriers from more consistent policies across countries and regions. Moreover, establishing international nutrition composition guidance and general principles for these products may result in product formulations that minimize these potential negative public health impacts.
   - **Proposal 2.3 Discussion paper on General Guidelines to Establish Nutrient Profiles for Front- of-Pack Nutrition Labelling (FOPNL)**
     In our view, this guideline will help consumers to reduce the risk of diet-related non-communicable diseases (NCDs), and also help to provide information for consumers to make informed healthy choices.
3. We have comments in the proposals 1.1 and 2.4 as follows:
   - **Proposal 1.1 Proposed amendment/revision: Standard for Canned Baby Foods: Standard for Canned Baby Foods (CXS 73-1981)**
     According to the decision tree for the preliminary assessment of new work proposals for CCNFSDU (CX/NFSDU 23/43/8), we would like to ask the Dominican Republic to provide further information about self-assessments.
   - **Proposal 2.4 Discussion paper on Establishing a Nutrient Reference Value (NRV-NCD) for Trans-Fatty Acids**
     We view that trans-fatty acid intake, which increases the risk of coronary heart disease, has a high impact on public health. However, this proposal should be proposed by the member state or CAC or CAC subsidiary body.

AGENDA ITEM 8A): METHOD OF ANALYSIS

1) **Methods of analysis in the Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CODEX STAN 72-1981) (REP22/NFSDU, para 6(ii))**
2) **Methods for measuring sweetness of carbohydrate sources (REP22/NFSDU, para99 and Appendix III - Sections B)**

Thailand would like to provide our comments as follows;

Agenda Item 8a) Method of analysis:

1) Methods of analysis in the Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CODEX STAN 72-1981)

REP22/NFSDU, para 6(ii)

1.1 We view that, in addition to the compositional requirements listed under the provisions, other ingredients as optional ingredients may be added in order to provide substances ordinarily found in human milk and to ensure that the formulation is suitable as the sole source of nutrition for the infant or to provide other benefits that are similar to outcomes of populations of breastfed babies.

The suitability for the particular nutritional uses of infants and the safety of these substances shall be scientifically demonstrated. The formula shall contain sufficient amounts of these substances to achieve the intended effect, taking into account levels in human milk.

Therefore, in principle, methods should be provided for analyzing the type and quantity of optional ingredients as specified on the label, especially for infant formula, to ensure food safety and health protection for consumers, and also facilitate trade.

Agenda Item 8a) Method of analysis:

2) Methods for measuring sweetness of carbohydrate sources

REP22/NFSDU, para 99 and Appendix III - Sections B

SECTION B: DRINK/PRODUCT FOR YOUNG CHILDREN WITH ADDED NUTRIENTS OR DRINK FOR YOUNG CHILDREN

3.1 Essential composition

c) Carbohydrates:

Footnote 6

Concerning methods to measure the sweetness of carbohydrate sources, CCMAS41 informed that there were no known validated methods to measure sweetness of carbohydrate sources and therefore no way to determine compliance for such a provision. We, therefore, propose to delete the text in footnote 6 as follows:

"*6) Lactose should be the preferred carbohydrate in the product as defined in Section 2.1 based on milk protein. ~~For products based on non-milk protein, carbohydrate sources that have no contribution to sweet taste should be preferred and in no case be sweeter than lactose~~*."