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DISCUSSION PAPER ON DESCRIPTION OF FOOD CATEGORY 16.0 OF THE GSFA

(Prepared by an electronic Working Group led by the United States of America, with the assistance of Australia, Denmark, European Union, Ghana, Iran, Malaysia, Mexico, New Zealand, Norway, Peru, United Kingdom, CIAA, ICGMA and ISA)

INTRODUCTION

1. The 40th Session of the Codex Committee on Food Additives (CCFA; 2008) noted that the physical Working Group (WG) on the *General Standard for Food Additives* (GSFA; CODEX STAN 192-1995) could not reach consensus on food additive provisions associated with food category 16.0 (Composite foods – foods that could not be placed in categories 01 – 15) because of the uncertainty of the scope of products included in this category. Therefore, the Committee agreed to establish an electronic Working Group (eWG), led by the United States of America (USA), to prepare a discussion paper that would include this issue for consideration at the next session.¹

2. The 41st Session of the CCFA (2009) considered the discussion paper prepared by the eWG.² This discussion paper proposed revisions to the title and descriptor of food category 16.0.³ The Committee expressed different views regarding food category 16.0. Some delegations expressed their view that this food category was unnecessary, and that composite foods could be addressed by either modifying the scopes of other food categories, or by adding specific footnotes. Other delegations were of the view that the food category should be maintained. After some discussion, the Committee agreed to maintain food category 16.0, recognizing that the products included in this category may need specific additives that are not addressed by carry-over. The Committee also agreed to request comments on the proposed revision to the title and descriptor of food category 16.0,⁴ and to request information on examples of foods included in this category for discussion at its next session.⁵

3. The 42nd Session of the CCFA (2010) considered the comments submitted, but could not reach an agreement on the need for food category 16.0. The Committee agreed to discuss the proposal for the revision of the name and descriptors of food category 16.0 at its next session.⁶

4. The 43rd Session of the CCFA (2011) considered a document prepared by the Codex Secretariat that compiled all of the written comments submitted to the 42nd CCFA⁷ and written comments submitted during the 43rd Session.⁸ Several delegations expressed the view that food category 16.0 should be deleted because: (i) the scope of the category was not clear, and was inconsistent with the principles of the food category

¹ ALINORM 08/31/12, para. 73.

² CX/FA 09/41/13, paras. 31-35.

³ CX/FA 09/43/13, para. 33. The eWG also proposed revision of Section 5, paragraph (c) of the Preamble to the GSFA., which describes how the carry-over principle is taken into consideration in the food category system (CX/FA 09/41/13, para. 34).

⁴ CX/FA 09/41/13, para. 33.

⁵ ALINORM 09/32/12, paras. 145 – 147. The request for comments was included in CL 2007/7-FA, Part B, Point 10 (March 2009) that was contained in ALINORM 09/32/12.

⁶ ALINORM 10/33/12, para. 86.

⁷ CX/FA 11/43/12.

⁸ FA/43 CRD 16.

system (FCS); (ii) there are currently too few examples of foods to justify the need for this category; (iii) the foods provided as examples could be addressed in other food categories, with footnotes, if necessary, indicating restricted use; and (iv) the proper application of the carry-over principle could cover composite foods not included in the other food categories. Several other delegations supported retaining food category 16.0, indicating that: (i) there were many products in trade that fit this category that were not within the scopes of the other food categories; and (ii) application of the carry-over principle would not meet the technological needs of all foods intended to be included in food category 16.0.⁹

5. The 43rd CCFA agreed to establish an eWG, led by the United States of America, and working in English only, to develop a discussion paper that provides: (i) a detailed description of the products to be included in food category 16.0; and (ii) proposals for the revision of the name and descriptor of food category 16.0, as necessary.¹⁰ The delegations of Australia, Denmark, European Union, Ghana, Iran, Malaysia, Mexico, New Zealand, Norway, Peru, United Kingdom, CIAA, ICGMA, and ISA expressed interest in participating in this eWG, and the delegations of Australia, European Union and ICGMA actively participated in the preparation of this discussion paper.

6. The USA circulated for discussion within the eWG: (i) a first draft of the discussion paper that contained a proposal for the revision of the descriptor of food category 16.0 and examples of foods to be included in this category; and (ii) an information document that contained a summary of the proposals for the revision of food category 16.0 that had been previously presented to CCFA.^{4, 7, 8} In addition to providing comments on the first draft, one eWG member expressed their view that food category 16.0 was not necessary. The discussion paper does not address this point because the CCFA previously agreed that food category 16.0 should be included in the GSFA.¹¹ The USA took into account the views expressed by the eWG members, and circulated within the eWG for comment: (i) a second draft of the discussion paper; and (ii) an information document containing the comments received on the first draft and an explanation of their consideration in developing the second draft. The USA took the comments received on the second draft into consideration in developing the final discussion paper.

BACKGROUND

7. The GSFA's FCS is intended as a tool for simplifying the reporting basis of food additive uses. The FCS is based on the following principles: (i) the similarity of food consumption patterns (i.e., food that is consumed in a similar way or similar quantities); (ii) the similarity of food processing (e.g., heat treatment, canning, freezing, drying); (iii) food technology needs; and (iv) a common major component of the food (e.g., fish, meat, fruit, vegetable). Importantly, the food category titles and descriptors in the GSFA are not intended for labelling purposes or for naming foods.¹²

8. Annex B of the GSFA includes the food category title and a brief descriptor for each food category. The descriptor defines the scope of the food category and provides examples of the foods that are included in the category. A clear description of the scope of each food category, and relevant examples of foods included in each food category, are essential for appropriate use of the GSFA.

9. The FCS takes into account the carry-over principle.¹³ As it applies to the GSFA, the carry-over principle describes all conditions under which additives may be present in a food other than being directly added to the food (i.e., introduced into the food because of the presence of the additive in a raw material or ingredient used to produce the food in which the additive has a technological function in the raw material or ingredient, but not the food).¹⁴ Specifically with regard to composite foods, additives may be introduced into composite foods by the use of premixes or other components (raw materials, ingredients) that act as vehicles (carriers) for the additive. Some of these additives are unintentionally present in the composite food as a result of their use and need in the premixes or components (raw materials, ingredients), while others are intentionally introduced at a level that have a technological function in the composite food. A clear

⁹ REP 11/FA, paras. 103-105

¹⁰ REP 11/FA, para. 106.

¹¹ ALINORM 09/32/12, para. 147

¹² Preamble to the *General Standard for Food Additives* (CODEX STAN 192-1995), Section 5 – Food Category System.

¹³ Section 5 (Food Category System), paragraph (c) of the Preamble to the GSFA.

¹⁴ Section 4 (Carry-over of Food Additive into Food) of the Preamble to the GSFA.

understanding of the relevance of carry-over to products included in food category 16.0 is necessary for proper interpretation of the GSFA.

DISCUSSION

10. The main concerns regarding food category 16.0 that were expressed in the comments^{7, 8} may be summarized as follows:

- The lack of clarity in the scope of this category, in particular with regard to: (i) consistency with the criteria of the FCS (i.e., similarity of food consumption patterns, of food processing, and of technological need); and (ii) the specificity of the foods included in this category; and
- The relevance of the carry-over principle to the products included in this category.

Clarification of the Scope of Food Category 16.0, including Examples of Specific Foods

11. Inadequate description of the scope of the foods included in food category 16.0 could lead to misinterpretation, particularly if the user of the GSFA is unable to place their food in categories 01-15. This may be due to a lack of clarity or shared understanding of the foods intended to be included in food category 16.0. One source of this lack of clarity may be the use of the expression “composite food.” A composite food is a product that is a mixture of multiple components (premixes, raw materials, ingredients). Clearly there are a number of food categories, other than food category 16.0, that include foods meeting this description¹⁵. To improve the clarity of the specific foods that are included in food category 16.0, several comments recommended that this food category should be limited to prepared foods (e.g., meals, entrées, side dishes) that are composed of a mixture of multiple components (e.g., meat, sauce, grain, cheese, vegetables).^{7, 8} These prepared foods require minimal preparation by the consumer (e.g., heating, thawing, rehydrating). These prepared foods are not described elsewhere in the FCS.

12. The comments received indicated that prepared foods can be grouped into three general classes based on the type of processing: frozen products; ready-to-eat thermally processed products; and dehydrated products. Specific examples of each of these types of prepared foods were included in the comments submitted to the Committee.^{7, 8}

13. Frozen prepared foods are a mixture of multiple components (e.g., meat, sauce, grain, cheese, vegetables) that are sold frozen to the consumer and must be heated prior to consumption. Examples include: frozen lasagna, frozen casseroles, frozen pizza, frozen entrées (e.g., noodles with vegetables in cheese sauce; chicken with pasta in Alfredo sauce), frozen meat pot pies, frozen beef and vegetable stew and frozen breakfast entrées (e.g., scrambled eggs with cheese and sausage on a croissant).

14. Ready-to-eat thermally processed prepared foods are a mixture of multiple components (e.g., meat, sauce, grain, cheese, vegetables) that are canned or otherwise in shelf-stable packaging that are heated by the consumer prior to consumption. Examples include: canned spaghetti with meat balls, canned beef hash, and microwavable entrées (e.g., chicken and noodles with vegetables and sauce).

15. Dehydrated prepared foods are a mixture of multiple dried components (e.g., meat, sauce, grain, cheese, vegetables) that are reconstituted with water or milk prior to consumption. Examples include: dried entrées (e.g., chicken fettuccine with broccoli and sauce) and dried side dishes (e.g., seasoned beans and rice).

16. One comment proposed that food category 16.0 include new sub-categories to cover these three different types of processing (frozen, thermally processed, and dehydrated).⁷ However, the development of new food sub-categories is beyond the mandate of this eWG¹⁰ and is not considered further. If it is necessary

¹⁵Examples of composite foods may be found in, but are not limited to, food categories (other than category 16.0): 01.7 “Dairy-based desserts (e.g., pudding, fruit or flavoured yoghurt)”; 02.4 “Fat-based desserts excluding dairy-based dessert products of food category 01.7”; 04.1.2.6 “Fruit-based spreads”; 04.1.2.9 “Fruit-based desserts, including fruit-flavoured water-based desserts”; 04.2.2.6 “Vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweed, and nut and seed pulps and preparations (e.g., vegetable desserts and sauces, candied vegetables) other than food category 04.2.2.5”; 07.1.5 “Steamed breads and buns”; 07.2.1 “Cakes, cookies and pies (e.g., fruit-filled or custard types)”; 07.2.2 “Other fine bakery wares (e.g., doughnuts, sweet rolls, scones and muffins)”; 12.2.2 “Seasonings and condiments”; 12.5 “Soups and broths”; and 15.2 “Processed nuts, including coated nuts and nut mixtures (with e.g., dried fruit)”.

to limit the use of an additive to a particular type of prepared food (i.e., frozen, thermally processed or dehydrated), then an appropriate note could be appended to the food additive provision in the GSFA. The use of such notes should be supported by appropriate justification and limited as much as possible.

17. Limiting the scope of food category 16.0 to prepared foods satisfies the principle of the FCS to group foods with similar consumption patterns together in the same category. For the most part, these products are consumed in a similar way, whether presented to the consumer as frozen, thermally processed, or dehydrated. In several food consumption databases these types of prepared foods are grouped in the same general class.

Relevance of the Carry-Over Principle to Food Category 16.0

18. With the scope of food category 16.0 clarified by limiting it to prepared foods, the relevance of the carry-over principle to foods in this category can be discussed.

19. The carry-over principle, as described in Section 4 of the Preamble to the GSFA,¹⁴ was revised by the 43rd CCFA and forwarded for adoption by the 34th Codex Alimentarius Commission (CAC)¹⁶. According to the carry-over principle, an additive may be introduced into a composite food (e.g., prepared food) as a result of the use of premixes or other components (raw materials, ingredients) that act as vehicles (carriers) for the additive. However, in such instances, the additive is present at a level such that, while having a technological function in the premix or component (raw material, ingredient), its level in the final food as sold to the consumer is insufficient to function or is not intended to function in the composite food. The use of additives in the premix or component (raw material, ingredient) would be provided for by a listing in the GSFA in the food category appropriate for the premix or component (raw material, ingredient). In these situations, a provision in the food category corresponding to the composite food (e.g., food category 16.0 for prepared foods) is not necessary.

20. It may be desirable and practical to use a premix for, or a component (raw material, ingredient) of, a food as a vehicle (carrier) for introducing additives into a food even though a specific provision for the use of the additive in the premix or component (raw material, ingredient) does not exist in the GSFA. Section 4.2 of the Preamble to the GSFA (Special Conditions Applying to the Use of Food Additives Not Directly Authorized in Food Ingredients and Raw Materials) specifies the conditions under which components of a food may be used as a vehicle (carrier) for an additive:¹⁷

“An additive may be used in or added to a raw material or other ingredient if the raw material or ingredient is used exclusively in the preparation of a food that is in conformity with the provisions of this standard, including that any maximum level applying to the food is not exceeded.”

21. This principle, sometimes known as “reverse carry-over,” is a practical way to allow for the introduction of additives into a composite food (e.g., prepared food) through premixes for, or components (raw materials, ingredients) of, the food without requiring specific provisions in the GSFA for each additive/component combination. If the premixes for, and components (raw materials, ingredients) of, the prepared food are used as vehicles (carriers) for additives that are intended to have a technological function in the composite food (e.g., prepared food), then the additives present in the premixes and components (raw materials, ingredients) would only be in compliance with the GSFA if provisions exist for their use in the food category that includes the composite food because this use would not be covered by the carry-over principle. Consequently, the additives used in those premixes and components (raw materials, ingredients) intended for use in composite foods that are not otherwise covered under food categories 01 - 15 (e.g., prepared foods) would need to be included under food category 16.0 in the GSFA.

22. One comment suggested that it would be appropriate to list an additive used in a premix for, or a component (raw material, ingredient) of, a “composite food” (e.g., a spice premix for a frozen lasagna) in the food category that would otherwise be appropriate (e.g., 12.2.2 “Seasonings and condiments”) with a footnote indicating that the spice mix is used in the preparation of a composite food.^{7, 8} However, as discussed above, these premixes and components (raw materials, ingredients) are intended for use in prepared foods and the additives in these premixes and components (raw materials, ingredients) are used at levels that have an intentional technological function in the prepared food. Therefore, the use of these

¹⁶ REP 11/FA, paras. 115-125 and Appendix IX; and REP 11/CAC, Appendix III, Part 3.

¹⁷ REP 11/FA, Appendix IX.

additives cannot be covered elsewhere in the FCS (i.e., since the technological function is intended in the prepared food, the GSFA provision for the additive must be in the food category for prepared foods). Consequently, food category 16.0 is necessary to cover the use of additives in premixes and components (raw materials, ingredients) that act as vehicles (carriers) for the additives and that are used in prepared foods. For example, an additive that is used in the spice premix for frozen lasagna would be included under food category 16.0, since: (i) the spice premix containing the additive is used specifically for the preparation of the frozen lasagna; (ii) the additive is used at a level that has an intentional technological function in the frozen lasagna; and (iii) frozen lasagna is within the scope of food category 16.0 “Prepared foods,” and is not covered elsewhere in the FCS.

Other Instances Where Food Category 16.0 is Necessary

23. It may also be necessary to incorporate an additive directly into a composite food. In the case of composite foods other than prepared foods, the provisions for the direct addition of an additive to the food are included in the appropriate food category. For example, if an anticaking agent is added directly to a dried soup mix, the provision for the use of the anticaking agent would be included under food category 12.5.2 “Mixes for soups and broths”. However, since prepared foods are not included in food categories 01-15, food category 16.0 is needed to cover the provisions for additives that are incorporated directly into prepared foods.

Examples to Clarify the Scope of Food Category 16.0 and the Relevance of the Carry-Over Principle

24. Consider the following examples:

Example 1: An antioxidant is added to prevent rancidity of a vegetable oil. The vegetable oil is used as an ingredient in a prepared food. The antioxidant is used at a level that has the desired technological function in the vegetable oil only (including after the vegetable oil is incorporated into the prepared food). However, this level is insufficient for the antioxidant to function in the prepared food itself (e.g., protect components other than the vegetable oil). In this case, the antioxidant is present in the prepared food as a result of carry-over from the ingredient (i.e., vegetable oil), and the use of the antioxidant would be listed in the GSFA under the food category for vegetable oil (i.e., 02.1.2 “Vegetable oils and fats”).

Example 2: Disodium phosphate is added as an emulsifier and stabilizer to a dehydrated entrée to stabilize the sauce after water is added and the entrée is heated. In this example, disodium phosphate is a component of a dry mix that is combined with other dry ingredients in the entrée. The disodium phosphate is added to the dry mix at a level that has a technological function (emulsifier and stabilizer) in the entrée after it is reconstituted with water. As such, disodium phosphate would need a provision in food category 16.0 (Prepared foods) in the GSFA.

Example 3: Modified food starches are added to pizza dough that is used to manufacture frozen pizza. The additives bind water to prevent “weeping” (syneresis) of the water from the sauce in order to keep the crust crisp during heating. In this example, the modified food starches are added to the pizza dough (component used exclusively for frozen pizza) to have an intended technological function (water binder) in the frozen pizza only. Such use would be covered under the general provisions of Table 3 for use in accordance with good manufacturing practices (GMP) because modified food starches have been assigned an acceptable daily intake (ADI) of “not specified” by the Joint FAO/WHO Expert Committee on Food Additives (JECFA). Additives listed in Table 3 of the GSFA may be used in food in general in accordance with GMP, except for use in those food categories listed in the Annex to Table 3, which require specific listing in Tables 1 and 2 of the GSFA. Food category 16.0 is not listed in the Annex to Table 3. Therefore, in this example, the use of modified food starches in frozen pizza would not specifically appear in any of the GSFA Tables.

CONSEQUENTIAL EFFECTS ON THE GSFA

Effects on the FCS

25. Limiting the scope of food category 16.0 to prepared foods requires that snack dips, which are currently included in this category, be reassigned to another food category. Food category 16.0 now only includes prepared foods (e.g., meals, entrées, side dishes). A dip (e.g., onion dip), which is used and consumed in a similar way as a sauce, does not fit the description of the revised food category 16.0. A

comment from an Observer proposed including snack dips in food category 12.6.1 “Emulsified sauces (e.g., mayonnaise, salad dressing)” and provided proposals for the revision of the title and descriptor of food category 12.6.1.^{7,8} In support of this proposal, it was noted that some national authorities regulate “dips” in the same food group as “sauces, gravies and condiments,” and that due to the composition and texture of snack dips, reassigning snack dips to food category 12.6.1 would be appropriate.

Effects on the Preamble

26. The relevance of the carry-over principle to the FCS is described in Section 5, paragraph (c) of the Preamble to the GSFA. It was previously proposed that this paragraph should be revised.^{7,8} This paragraph is not clear with respect to the relevance of the carry-over principle to composite foods (including prepared foods). Specifically, this paragraph should be revised to clarify that: (i) the carry-over principle applies to these composite foods; and (ii) additives may also be used to provide a technological function at a level that is specifically needed for the composite food.

Effects on GSFA Provisions

27. The proposed changes to the title and descriptors of food categories 16.0 and 12.6.1 clarify the scope of these food categories and are not intended to change the existing hierarchical structure of the FCS. Therefore, there are no consequential effects on the current food additive provisions in the GSFA in food categories 16.0 and 12.6.1.

28. The Committee is encouraged, as part of its routine review of the food additive provisions in the GSFA, to refer to the revised scopes of food categories 16.0 and 12.6.1, and propose any necessary changes to the current draft and proposed draft provisions based on the understanding of the revised scope.

PROPOSALS

29. The Annex to this discussion paper contains the proposed revision to the title and descriptor of food category 16.0.

30. The revision of the title and descriptor of food category 16.0 resulted in two consequential changes (*see paras 24 and 25*):

- Revision of the title and descriptor of food category 12.6.1 “Emulsified sauces (e.g., mayonnaise, salad dressing)”; and
- Revision of Section 5, paragraph (c) of the Preamble to the GSFA.

The proposed changes to these texts are provided in the Annex.

31. In considering the proposed revision to the title and descriptor of food category 16.0 presented in the Annex to this discussion paper, the Committee may wish to take into account the following:

- Whether the scopes of similar food categories in a Member’s national legislation correspond to the proposed scope of food category 16.0;
- Whether these similar categories are based on food products and their components, or are based on food processing methods (i.e., freezing, dehydrating, or thermal processing (ready-to-eat)); and
- Whether food additive provisions for these similar food categories are restricted to specific food products by means of notes or sub-categories.

ANNEX**Proposed Revisions to the Titles and Descriptors of Food Category 16.0 and 12.6.1, and to Section 5, Paragraph (c) of the Preamble to the GSFA**

Recommended new text is indicated in **bold** and recommended deleted text is indicated in ~~strikethrough~~.

Food Category 16.0

In order to address the issues raised in this discussion paper, the following revision to the title and descriptor of food category 16.0 is proposed:

16.0 Composite foods — foods that could not be placed in categories 01–15 Prepared foods

~~Includes prepared or composite dishes in which additives are directly added to the composite food. Additives may also be present as a result of carry over from the ingredients. For example, an additive that is used as an ingredient in a meat pie, but not in any of its ingredients (e.g., in the crust) is reported in this category. Examples of composite dishes include: dehydrated culinary products which may contain processed vegetables or animal ingredients and spices, to be reconstituted with water before cooking), , prepared dinners (e.g., frozen entrees), casseroles, mincemeat and snack dips (e.g., onion dip).~~

Prepared foods are mixtures of multiple components (e.g., meat, sauce, grain, cheese, vegetables); the components are included in other food categories. Prepared foods require minimal preparation by the consumer (e.g., heating, thawing, rehydrating). Provisions for additives will be listed in this food category in the GSFA only if the additive is needed: (i) solely to have a technological function in the prepared food as sold to the consumer; or (ii) at a use level that has an intentional technological function in the prepared food that exceeds the use level that can be accounted for by carry-over from the individual components. These foods are not included in the other food categories (01 – 15). Examples of prepared foods include: (i) frozen products that must be heated prior to consumption (e.g., frozen lasagna, frozen casseroles, frozen pizza, frozen entrées (e.g., noodles with vegetables in cheese sauce, chicken with pasta in Alfredo sauce, macaroni and cheese), frozen meat pot pies, frozen beef and vegetable stew, frozen breakfast entrée (e.g., scrambled eggs with cheese and sausage on a croissant)); (ii) ready-to-eat thermally processed products that are canned or otherwise in shelf-stable packaging that are heated by the consumer prior to consumption (e.g., canned spaghetti with meat balls, canned beef hash), microwavable entrée (e.g., chicken and noodles with vegetables and sauce); and (iii) dehydrated products that are reconstituted with water, milk or other liquid prior to consumption (e.g., dehydrated entrées, such as chicken fettuccine with broccoli and sauce; and dehydrated side dishes, such as seasoned beans and rice).

Food Category 12.6.1

As a consequence of the revision of the descriptor of food category 16.0, the following revision to food category 12.6.1 “Emulsified sauces (e.g., mayonnaise, salad dressing)” is proposed:

12.6.1 Emulsified sauces and dips (e.g., mayonnaise, salad dressing, onion dip)

Sauces, gravies, ~~and~~ dressings, **and dips** based, at least in part, on a fat- or oil-in water emulsion. Examples include: salad dressing (e.g., French, Italian, Greek, ranch style), fat-based sandwich spreads (e.g., mayonnaise with mustard), salad cream, ~~and~~ fatty sauces **and snack dips (e.g., bacon and cheddar dip, onion dip).**

Section 5, Paragraph (c) of the Preamble to the GSFA

As a consequence of the revision of the descriptor of food category 16.0, and to clarify the application of the carry-over principle to this food category, the following revision to Section 5, paragraph (c) of the Preamble to the GSFA is proposed:

Section 5, paragraph (c)

~~The food category system takes into consideration the carry over principle. By doing so, the food category system does not need to specifically mention compound foodstuffs (e.g., prepared meals,~~

~~such as pizza, because they may contain, *pro rata*, all the additives endorsed for use in their components), unless the compound foodstuff needs an additive that is not endorsed for use in any of its components.~~

The food category system takes into consideration the carry-over principle. By doing so, Tables 1, 2, and 3 of this standard do not list the additives that may be present in a composite food as a result of carry-over from the components of the composite food. As such, a composite food may contain, *pro rata*, all the additives endorsed for use in its components. Provisions for the use of an additive in a composite food are listed in Tables 1, 2, and 3 of this standard when the acceptable level of use of the additive necessary to achieve a technological function cannot be achieved as result of carry-over. Composite foods are included in various food categories throughout the FCS, as fully described in Annex B of this Standard.