

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 5 (a)

CX/FA 10/42/5 Add.3
February 2010

(Original Language Only)

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Forty-second Session

Beijing, China, 15-19 March 2010

COMMENTS ON DRAFT AND PROPOSED DRAFT FOOD ADDITIVE PROVISIONS OF THE GSFA

The following comments have been received from the following Codex members and observers:

Brazil, Egypt, India, Malaysia, Phillipine, United States of America and ICGA

BRAZIL

Brazil would like to amend the following comment which was previously submitted in response to CX/FA 10/42/5:

CARAMEL IV – SULPHITE AMMONIA PROCESS (INS 150(d))

Recommendation 2 – Caramel IV – Ammonia Sulphite Process, INS 150(d)				
The eWG of the 40 th CCFA recommended the adoption of the following food additives provisions for caramel IV- sulphite ammonia process in the GSFA				
Food Cat No.	Food Category	Max Level	Step	Comment
12.5	Soups and broths	100000 mg/kg		Brazil suggests the maximum level of 50000 mg/kg that is the same maximum level supported to Caramel III for this food category.
12.5.1	Ready-to-eat soups and broths, incl. canned, bottled, and frozen	3000 mg/kg	Adopted	
12.5.2	Mixes for soups and broths	GMP	Adopted	

Besides, Brazil would like to ask the Committee for considering the provision for **INS 160b(i) annatto extracts, bixin-based**, at the maximum level of 600 mg/kg for the food subcategory 12.2.2 Seasonings and Condiments.

If a person eats 10g of a seasoning containing 600 mg/kg of annatto extracts (bixin-based) daily, this consumption will provide an intake of 6mg of annatto extracts (bixin-based) per day. This amount is used to prepare eight portions of food, considering the manufacturer instructions (5g of seasoning to 400g of food).

Thus, considering the ADI of 12 mg/kg b.w. for bixin-based annatto extract (INS 160b(i)) and 50kg as b.w., the consumption of 10g of seasoning containing 600 mg/kg of bixin-based will contribute with 1% of its ADI.

Body Weight (kg)	15	30	50	70
Acceptable Daily Intake of bixin-based considering the body weight (mg)	180	360	600	840
With the consumption of 10g of seasoning with 600 mg/kg of bixin, the percentage of ADI is:	3.33	1.67	1.00	0.71

Annatto extracts provide red or orange color, depending on the amount used, and do not provide flavour or taste to the product.

Furthermore, bixin is a Brazilian natural raw material largely used in the Northeast region of the country as an ingredient of “colorific” (a product made by mixing corn meal and cassava flour, annatto extracts bixin- and oil- based, added or not of salt and edible oils). Such use has no maximum level established by the Brazilian legislation.

EGYPT

According to Egyptian Regulation No. 411/1997 for (Colours used in Foodstuffs) it is not allowed to use the following colours in Foods :

- Amaranth
- Erythrosine
- Canthaxanthine

Also it is not allowed to use colours in the following food groups:

- Unflavoured liquid milk
- Chocolate milk drink
- Unripened- unflavoured cheese
- Pasturized cream
- Sterilized cream
- Cream powder
- Dairy products unflavoured and fermented
- Fresh fruits and vegetables and mushroom
- Untreated fruits and vegetables
- Pulp-purees fruits and vegetables and high kind of jams and jellies
- Past and concentrate tomato
- Fermented fruits and vegetables products
- Cocoa products
- Products used in chocolate processing
- Cereals whole-or broken
- Flours-starches-bread and similar products
- Untreated meat and poultry
- Fresh fish
- Fresh eggs
- Liquid egg products- frozen egg products-dried egg products
- Sugar-honey-salt
- Herbs and spices
- Wine vinegars
- Tomato products except tomato sauces and ketchup
- Extra jam, extra jelly.
- Yeast
- Infant formulae – children and complementary foods
- Waters
- Coffee-coffee substitutes and tea
- Liquid food oils
- Natural juices without additives

1- There are some differences between the maximum levels allowed in the Egyptian Regulations and Draft of Food Additives provisions of the GSFA (for e.g. in colours).

<u>Colours</u>	<u>Food Groups</u>	<u>Maxlevel in Codex</u>	<u>Maxlevel in Egypt</u>
Allura Red	06.5 cereal & starch	300 mg/kg	150 mg/kg
Annatto-Bixin	01.6.4.1 plain processed cheese	60 mg/kg	15 mg/kg
	01.6.4.2 flavoured processed cheese	60 mg/kg	15 mg/kg
	01.6.5 cheese analogues	50 mg/kg	15 mg/kg
	05.2.1 hard candy	200 mg/kg	20 mg/kg
	05.3 chewing gum	500 mg/kg	20 mg/kg
Annatto-Norbixin	05.2 confectionery Including hard & soft candy	200 mg/kg	20 mg/kg

Brown HT	05.3 chewing gum	300 mg/kg	50 mg/kg
	12.4 Mustards	300 mg/kg	50 mg/kg
	13.5 dietetic foods	300 mg/kg	50 mg/kg
	13.6 food supplements	300 mg/kg	50 mg/kg
Brilliant Black	12.4 Mustards	300 mg/kg	150 mg/kg
	12.5 Soups & bro	300 mg/kg	150 mg/kg
	12.4 Sauces & like products	500 mg/kg	150 mg/kg
Carmoisine	05.3 Chewing gum	300 mg/kg	50 mg/kg

2- According to Egyptian Regulation No. 478/1995 for (preservatives used in Foodstuffs). There are some differences between the maximum levels allowed in the Egyptian Regulations and Draft of Food Additives provisions of the GSFA.

<u>Preservative</u>	<u>Food Groups</u>	<u>Maxlevel in Codex</u>	<u>Maxlevel in Egypt</u>
Sorbates	01.6.1 unripened cheese	3000 mg/kg	1000 mg/kg
(200-203)	04.1.2.2 dried fruit	2000 mg/kg	1000 mg/kg
lycopenes	04.1.2.5 jame, jellies, marmalades	1000 mg/kg	100 mg/kg
quinoline	04.1.2.5 jame, jellies, marmalades	500 mg/kg	100 mg/kg
benzoates	04.1.2.5 jame, jellies, marmalades	1000 mg/kg	250 mg/kg
Nisin	01.6.4 processed cheese	500 mg/kg	12,5 mg/kg

Remarks:

Notice from the codex maximum limit and Egyptian limit in both permitted colours and preservatives is that Egypt allowed limit is less than that in the codex and this will not effect any thing in food industries, and consumer behaviour now prefer to use low doses in the Food Additives, for that we recommend to decrease the level of Food Additives in Foods in Egypt regulations.

INDIA

PART II – MISCELLANEOUS

SORBATES (INS 200-203)

Recommendation 2: Proposed adoption of draft food additive provisions at Step 6

Food category 01.2.1 (Fermented milk plain): As per the CODEX STAN 243 on Fermented Milks, preservatives are not permitted for use in plain fermented milks. Therefore, we do not support adoption of the proposal to permit use of sorbates in these products.

Recommendation 3: Proposed further discussion of draft food additive provisions at Step 6

Food category 01.1.1 (Milk and buttermilk (plain)): We do not consider that use of preservative is necessary in these products as these are liquid products which can be preserved with the use of appropriate heat treatment. Therefore, this proposal should be dropped.

Food categories 01.6.1 (Unripened cheese), 01.6.2 (Ripened cheese) and 01.6.4 (Processed cheese): We support the proposal to allow use of sorbates at 3000 mg/kg in these products as it is required for preventing spoilage of these products due to mold growth.

Food category 01.7 (Dairy – based desserts (e.g. pudding, fruit or flavoured yoghurt)): As per the CODEX STAN 243 on Fermented Milks, preservatives are permitted for use only in flavoured fermented milks heat treated after fermentation. This should be appropriately indicated in the proposal.

HYDROXYBENZOATES, PARA- (INS 214, 218)

Recommendation 2: Proposed adoption of draft food additive provisions at Step 6

Food category 01.7 (Dairy – based desserts (e.g. pudding, fruit or flavoured yoghurt)): As per the CODEX STAN 243 on Fermented Milks, preservatives are permitted for use only in flavoured fermented milks heat treated after fermentation. This should be appropriately indicated in the proposal.

PHOSPHATES (INS 338, 339i-iii, 340i-iii, 341i-iii, 342i-ii, 343i-ii, 450i-iii, 450v-vii, 451i-ii, 452i-v, 542)**Recommendation 3: Proposed further discussion on draft food additive provisions at Step 6**

Food category 01.1.1 (Milk and buttermilk (plain)): We recommend that phosphates should be allowed for use only in sterilized and UHT-treated milks, where these would be useful in improving the heat stability of milk, and in heat treated buttermilk to safeguard against precipitation of milk protein. This should be appropriately indicated in the proposal.

Food category 01.2 (Fermented and renneted milk products (plain)), excluding food category 01.1.2 (dairy based drinks): We recommend that phosphates should be allowed for use only in heat treated products (GSFA food category 1.2.1.2), to safeguard against precipitation of milk protein. It is not technologically justified in other products in the category 01.2.

AMMONIUM SALTS OF PHOSPHATIDIC ACID (INS 442)**Recommendation 2: Proposed further discussion on draft food additive provisions at Step 6**

Food categories 01.1.2 (Dairy-based drinks, flavoured and/or fermented (e.g. chocolate milk, cocoa, drinking yoghurt, whey-based drinks) and 01.4 (Cream (plain) and the like): It has been proposed to permit use of ammonium salts of phosphatidic acid in these dairy products according to GMP. As there is a numerical ADI (30mg/kg bw) established for this food additive by the JECFA, it would be appropriate to establish a numerical maximum use level for this food additive. We do not support proposal to allow use of ammonium salts of phosphatidic acid in these dairy products according to GMP.

ASPARTAME-ACESULFAME SALT (INS 962)**Recommendation 4: Proposed further discussion on draft food additive provisions at Step 6**

Food category 01.2 (Fermented and renneted products (plain), excluding food category 01.1.2 (dairy – based drinks)): There is no technological justification for use of sweeteners in plain fermented milks. Therefore, the CODEX STAN 243 on Fermented Milks does not allow use of sweeteners in plain fermented milks. Hence, further consideration of the proposal to allow use of aspartame-acesulfame in this food category should be discontinued.

MAYLASIA**Steviol glycosides (INS 960)**

With reference to Malaysia's comments on uses and use level of steviol glycosides (INS 960) in food category 14.1.4.3 Concentrates (liquid or solid) for water-based flavoured drinks, Malaysia would like to amend the proposed maximum level from 8000 mg/kg to 600 mg/kg. This level of use is acceptable.

PHILIPPINE

Recommendation 1 - Caramel III – Ammonia Process, INS 150(c) The eWG to the 40th CCFA recommended the adoption of the following food additive provisions for caramel III – ammonia process in the GSFA.							
Food Cat. No.	Philippines Comments	Food Category	Max Level		Comments	Step	Justification/ Comment provided to EWG
01.7	Philippines does not support ML 50000 mg/kg	Dairy-based desserts (e.g., pudding, fruit or flavoured yoghurt)	50000	mg/kg		3	Justification Consequential effect is to revoke adopted provision 01.7 Comment: ML very high
01.7	Philippines supports the ML 2000 mg/kg which is needed to achieve the desired effect in coloring the product.	Dairy-based desserts (e.g., pudding, fruit or flavoured yoghurt)	2000	mg/kg		Adopted	

02.4	Philippines supports the ML 20000 mg/kg which is needed to achieve the desired effect in coloring the product.	Fat-based desserts excluding dairy-based dessert products of food category 01.7	20000	mg/kg		3	Justification Consequential effect is to revoke adopted provision 02.4 Provides numeric ML to replace adopted GMP limit Comment: ML too high.
02.4		Fat-based desserts excluding dairy-based dessert products of food category 01.7	GMP			Adopted	

Recommendation 1 - Caramel III – Ammonia Process, INS 150(c)

The eWG to the 40th CCFA recommended the **adoption** of the following food additive provisions for caramel III – ammonia process in the GSFA.

Food Cat. No.	Philippines Comments	Food Category	Max Level		Comments	Step	Justification/ Comment provided to EWG
03.0	Philippines does not support ML 30000 mg/kg and suggests ML 1000 mg/kg which is needed to achieve the desired effect in coloring the product.	Edible ices, including sherbet and sorbet	30000	mg/kg		3	Justification Consequential effect is to revoke adopted provision 03.0 Provides numeric ML to replace adopted GMP limit Comment: ML too high
03.0		Edible ices, including sherbet and sorbet	GMP			Adopted	
12.6	Philippines does not support ML 100000	Sauces and like products	100000	mg/kg		3	Justification Consequential effect is to revoke adopted provision 12.6 Revision of adopted provision at 1500 mg/kg Comment: Question technological need for high ML
12.6	Philippines supports the ML 1500 mg/kg which is needed to achieve the desired effect in coloring the product.	Sauces and like products	1500	mg/kg		Adopted	

Carmines, INS 120

The following provision was included in the GSFA at Step 3 by the 41st CCFA.

Food Cat. No.	Philippines Comments	Food Category	Max Level		Comments	Step	Justification/ Comment provided to EWG
06.8.1	Philippines does not support ML 40 and suggests ML 100 mg/kg to achieve the desired effect in coloring the product	Soybean-based beverages	40	mg/kg		3	Proposed maximum use level necessary to function as a colour

Recommendation 2 – Sorbates, INS 200-203

The eWG of the 41st CCFA recommended **adoption** of the following food additive provisions for sorbates in the GSFA.

Food Cat. No.	Philippines Comments	Food Category	Max Level		Comments	Step	Justification/ Comment provided to EWG
01.1.2	Philippines supports the ML 300 mg/kg which is needed to achieve the desired effect on the product preservation.	Dairy-based drinks, flavoured and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)	300	mg/kg	Note 42	6	

01.2.1	Philippines does not support ML 300mg/kg. Codex Standard for fermented milks (plain) does not allow the use of preservatives.	Fermented milks (plain)	300	mg/kg	Note 42	6	Comment Codex Stan 243-2003 does not allow for the use of preservatives in plain fermented milks.
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Recommendation 3 – Sorbates, INS 200-203							
The eWG of the 41st CCFA recommended further discussion of the following food additive provisions for sorbates in the GSFA.							
Food Cat. No.	Philippines Comments	Food Category	Max Level		Comments	Step	Justification/ Comment provided to EWG
04.1.2.8	Philippines does not support ML 1500 mg/kg and suggests the ML 1000 mg/kg which is needed to achieve the desired effect on the product preservation.	Fruit preparations, including pulp, purees, fruit toppings and coconut milk	1,500	mg/kg	Note 42	6	Comment 1) ML seems high. A ML of 1000 mg/kg sufficient to achieve the technological function 2) This additive functions as preservative and the level is necessary to achieve the intended technical need.

Recommendation 3 – Phosphates, INS 338, 339i-iii, 340i-iii, 341i-iii, 342i-ii, 343i-ii, 450i-iii, 450v-vii, 451i-ii, 452i-v, 542. The eWG of the 41st CCFA recommended further discussion of the following food additive provisions for phosphates in the GSFA.							
Food Cat. No.	Philippines Comments	Food Category	Max Level		Comments	Step	Justification/ Comment provided to EWG
01.4	Philippines does not support the ML 2,200 and suggests ML 1100 mg/kg is needed to achieved the desired effect to stabilize the final product.	Cream (plain) and the like	2,200	mg/kg	Notes 33 & 88	6	Comment 1) A value of 1100 mg /kg (as P) has been proposed by the ALINORM 08/31/11 Appendix V for creams and prepared creams 2) Used to stabilize prepared cream in products such as chocolate mousse. 3) ML of 2000 mg/kg as phosphate (880 mg/kd as phosphorus) in CODEX STAN 288 for Cream
06.4.3	Philippines supports the ML 2,200 mg/kg which is needed to achieve the desired effect to stabilize the final the product	Pre-cooked pastas and noodles and like products	2,200	mg/kg	Note 33	3	Comment 1) Technological need as emulsifier and the maximum level is necessary to achieve the intended function. 2) Add note “ only in noodles”

06.5	Philippines supports the ML 7,000 mg/kg which is needed to achieve the desired effect to stabilize the final the product	Cereal and starch based desserts (e.g., rice pudding, tapioca pudding)	7,000	mg/kg	Note 33	6	Comment ML of 1500 mg/kg (as P) seems sufficient to achieve the technological function
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Sucralose, INS 955							
The 41st CCFA agreed to circulate for comment at Step 3 the following food additive provisions for sucralose in the GSFA.							
Food Cat. No.	Philippines Comments	Food Category	Max Level		Comments	Step	Justification/ Comment provided to EWG
06.8.1	Philippines supports the ML 400 mg/kg which is needed to sweeten soybean-bean beverages.	Soybean-based beverages	400	mg/kg		3	Justification To sweeten soybean-based beverages. This level is needed to sweeten the products which are consumed as is.

UNITED STATES OF AMERICA

Comments to Part I – Colour Additives

General Comments

The USA notes that, in order for the following colors to be added to food in the USA, they must be batch certified to ensure their safe use:

Color Additive	INS No.	USA Batch Certified Name
Sunset Yellow FCF	110	FD&C Yellow No. 6
Erythrosine	127	FD&C Red No. 3
Allura Red AC	129	FD&C Red No. 40
Indigotine	132	FD&C Blue No. 2
Brilliant Blue FCF	133	FD&C Blue No. 1
Fast Green FCF	143	FD&C Green No. 3

Ponceau 4R (INS 124) (CX/FA 42/10/5, Paragraph 12)

Ponceau 4R has not been approved for use in the USA due to unresolved safety concerns.

Caramel III – Ammonia Process (INS 150(c)) (CX/FA 42/10/5, Paragraphs 22-24)

The USA recommends that the Committee endorse Caramel III – Ammonia Process for adoption at Step 8 in the following food categories at a maximum use level of 50,000 mg/kg:

14.2.1 (Beer and malt beverages)

14.2.3.3 (Fortified grape wine, grape liquor wine, and sweet grape wine)

14.2.6 (Distilled spirituous beverages containing more than 15% alcohol)

14.2.7 (Aromatized alcoholic beverages (e.g., beer, wine and spirituous cooler-type beverages, low-alcoholic refreshers))

The use of Caramel III in foods covered by these GSFA food categories is widespread in products produced and sold in the USA as well as in other countries. In addition to providing color, the use of Caramel III in foods conforming to these food categories imparts and/or protects distinctive flavor profiles and other organoleptic properties, and ensures a high level of consistency among production batches.

Caramel IV – Ammonia Sulphite Process (INS 150(d)) (CX/FA 42/10/5, Paragraphs 25-26)

The USA recommends that the Committee endorse Caramel IV – Sulphite Ammonia Process for adoption at Step 8 in the following food categories at a maximum use level of 50,000 mg/kg:

14.2.1 (Beer and malt beverages)

14.2.3.3 (Fortified grape wine, grape liquor wine, and sweet grape wine)

14.2.6 (Distilled spirituous beverages containing more than 15% alcohol)

The USA also recommends that food category 14.2.7 (Aromatized alcoholic beverages (e.g., beer, wine and spirituous cooler-type beverages, low-alcoholic refreshers)) be adopted at Step 8 for use at a maximum level of 50,000 mg/kg. CX/FA 42/10/5 does not contain a specific provision for the use of Caramel IV in food category 14.2.7. However, there currently is a provision at Step 3 for the broader food category 14.2 for use at 50,000 mg/kg (recommended for discontinuation by the eWG), as well as an adopted provision in food category 14.2.7 for use in accordance with good manufacturing practices (GMP). In light of the Committee's general practice of replacing GMP with numeric use levels for additives with numerical acceptable daily intakes (ADIs), we recommend that a maximum use level of 50,000 mg/kg be adopted for food category 14.2.7.

The use of Caramel IV in foods covered by these GSFA food categories is widespread in products produced and sold in the USA as well as in other countries. In addition to providing color, the use of Caramel IV in foods conforming to these food categories imparts and/or protects distinctive flavor profiles and other organoleptic properties, and ensures a high level of consistency among production batches.

Comments to Part II – Miscellaneous Additives

Nisin (INS 234) (CX/FA 42/10/5, Paragraphs 45-48)

The USA supports the adoption of the proposed revision to Note 28, which clarifies the reporting basis for nisin.

The USA supports the adoption of nisin in food category 01.6.4 (Processed cheese) at a maximum level of 250 mg/kg. The higher pH and moisture content of processed cheese, as well as the anaerobic packaging conditions employed in their manufacture, provide a good medium for the germination and outgrowth of heat resistant bacterial spores. Nisin reduces the thermal resistance of bacterial spores and prevents outgrowth. The provision for nisin in food category 12.5.1 (Ready-to-eat soups and broths, including canned, bottled, and frozen) at GMP is currently recommended for deletion by the eWG. The USA supports the adoption of maximum level of 5 mg/kg as nisin in food category 12.5.1 for soups containing meat and poultry. Soups are susceptible to spoilage from the outgrowth of thermally resistant spore forming bacteria. Nisin reduces the thermal resistance of bacterial spores and prevents outgrowth.

The USA cannot support the adoption of nisin in food category of 08.0 (Meat and meat products, including poultry and game). The USA can, however, support the use of nisin in the following sub-categories:

- 08.2.2 (Heat-treated processed meat, poultry, and game products in whole pieces or cuts) at a maximum level of 5.5 mg/kg as nisin
- 08.3.2 (Heat-treated processed comminuted meat, poultry, and game products) at a level of 5.5 mg/kg as nisin
- 08.4 (Edible casings (e.g., sausage casings)) at a maximum level of 7 mg/kg as nisin.

The use of nisin in the listed sub-categories of food category 08.0 has been determined to be safe and suitable in the USA for use as an antimicrobial preservative for the control of the bacteria *Listeria monocytogenes*.

Cyclamates (INS 952(i), (ii), (iv)) (CX/FA 42/10/5, Paragraphs 63-65)

Cyclamates are prohibited in foods sold in the USA due to safety concerns.

Aspartame-Acesulfame Salt (INS 962) (CX/FA 42/10/5, Paragraphs 70-77)

1. Provisions for Aspartame-Acesulfame Salt (ASP-ACE salt) for which there are no corresponding provisions for both Aspartame (INS 951) and Acesulfame Potassium (INS 950)

The Joint FAO/WHO Expert Committee on Food Additive's (JECFA's) acceptable daily intake (ADI) for the ASP-ACE salt is dependent upon the individual ADIs for aspartame and acesulfame potassium. Therefore, it follows that provisions for the ASP-ACE salt should only be adopted for the use of ASP-ACE salt in those food categories that also have adopted provisions for both aspartame and acesulfame potassium.

To help facilitate discussion of the ASP-ACE salt at the 42nd CCFA, the USA examined the proposed maximum levels and notes put forward in CX/FA 10/42/5 for the ASP-ACE salt for consistency with the adopted provisions for the individual sweeteners aspartame and acesulfame potassium. There are currently six proposed provisions for the ASP-ACE salt in CX/FA 10/42/5 that do not have corresponding adopted provisions for both aspartame and acesulfame potassium. Therefore, the USA recommends that the CCFA

discontinue work on the proposed draft (Step 3) provisions for the ASP-ACE salt in the following food categories:

- 12.2.2 (Seasonings and condiments),
- 14.1.2.2 (Vegetable juice),
- 14.1.2.4 (Concentrates for vegetable juice),
- 14.2.1 (Beer and malt beverages)
- 14.2.2 (Cider and perry) and
- 14.2.4 (Wines (other than grape)).

2. *The use of Notes 188 and 191*

The 41st CCFA agreed to add new Note 188^a and Note 191^b to all provisions for acesulfame potassium (INS 950) and aspartame (INS 951), respectively.^c We support the intent of these Notes, which is to ensure that when acesulfame potassium or aspartame are used in combination with the ASP-ACE salt, the acceptable maximum use level for the individual sweeteners are not exceeded. We also support the approach of establishing provisions for the use of the ASP-ACE salt only in food categories in which there are provisions for both acesulfame potassium and aspartame.

1) We note that there are several inconsistencies regarding the application of Notes 188 and 191 to the provisions for aspartame in the current draft GSFA (FA/42 INF/01). The USA recommends that the following provisions for aspartame be revised as follows:

Add Note 191 to food categories:

1. 05.2.1 (Hard candy),
2. 05.2.2 (Soft candy),
3. 12.7 (Salads (e.g., macaroni salad, potato salad) and sandwich spreads excluding cocoa-and nut-based spreads of food categories 04.2.2.5 and 05.1.3),
4. 14.1.3.4 (Concentrates for vegetable nectar), and
5. 14.1.5 (Coffee, coffee substitutes, tea, herbal infusions, and other hot cereal and grain beverages, excluding cocoa).

Replace Note 188 with Note 191 in food category 12.5 (Soups and broths).

2) The food categories in which aspartame or acesulfame potassium are listed are not identical. In cases where there is a provision for only one of these sweeteners (aspartame or acesulfame potassium), these Notes may be interpreted as allowing for the use of the ASP-ACE salt even though there is no explicit listing in the GSFA for the use of the ASP-ACE in that food category.

To account for this, we propose to revise Note 188 and Note 191 as follows:

Note 188: If used in combination with aspartame-acesulfame salt (INS 962) the combined maximum use level, expressed as acesulfame potassium, should not exceed this level.

Note 191: If used in combination with aspartame-acesulfame salt (INS 962) the combined maximum use level, expressed as aspartame, should not exceed this level.

ICGA

Hydroxybenzoates, para-, INS 214, 218

ICGA would like to reiterate its comments submitted to the Electronic Working Group, which considered positively the technological needs for the use of para-Hydroxybenzoates in some chewing gum recipes at a level not exceeding 1500 mg/kg (see Appendix 1 to this letter). Given the scope of the Codex GSFA, ICGA would therefore recommend that a level of 1500 mg/kg be proposed for final adoption by the forthcoming Codex alimentarius Commission.

Phosphates

The ICGA would like to reiterate its support to the use of phosphates in chewing gum, which is technologically justified in many innovative applications for chewing gum products (see Appendix 2 to this

^a **Note 188:** Not to exceed the maximum use level for acesulfame potassium (INS 950) singly or in combination with aspartame-acesulfame salt (INS 962).

^b **Note 191:** Not to exceed the maximum use level for aspartame (INS 951) singly or in combination with aspartame-acesulfame salt (INS 962).

^c See Paragraph 95, ALINORM 09/32/12

letter). This use was recognised in the conclusions of the electronic working group report. The ICGA also confirms that the proposed level of 44.000 mg/kg has always been expressed on a Phosphorus basis, since the very first submission made to the CCFAC in 1999 by the chewing gum industry. ICGA would therefore suggest that the Committee endorses this level to be proposed for final adoption at the forthcoming session of the Codex alimentarius Commission.

Aspartame-Acesulfame

ICGA has noted the concerns expressed by one Codex member in the electronic working group on a possible contradiction between the proposed level of Aspartame-Acesulfame in chewing gum (i.e. 5000 ppm expressed on an Acesulfame K basis) by ICGA and its national legislation. The ICGA is aware of this specificity and in order to take it fully into consideration, the ICGA would suggest that a note 161 be added to address the concern. In doing so, the ICGA is confident that the Committee may reach a consensus at this 42nd session and propose that this level of 5000 ppm expressed on an Acesulfame K basis in chewing gum products be proposed for final adoption at the forthcoming session of the Codex alimentarius Commission.