



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Fifty-First Session

DISCUSSION PAPER ON THE DEVELOPMENT OF WORDING FOR AN ALTERNATIVE TO NOTE 161 RELATING TO THE USE OF SWEETENERS (REPORT OF THE EWG)

Prepared by the European Union and the United States of America with the assistance of Argentina, Australia, Austria, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Estonia, France, Guatemala, India, Indonesia, Ireland, Japan, Malaysia, Mexico, the Netherlands, New Zealand, Norway, Peru, Philippines, Russian Federation, Spain, Thailand, United Kingdom, American Beverage Association (ABA), Calorie Control Council, Comité Européen des Fabricants de Sucre (CEFS), EU Specialty Food Ingredients, FoodDrinkEurope, Food Industry Asia (FIA), International Alliance of Dietary/Food Supplement Associations (IADSA), International Council of Beverages Associations (ICBA), International Chewing Gum Association (ICGA), International Council of Grocery Manufacturer Associations (ICGMA), International Food Additives Council (IFAC), International Fruit and Vegetable Juice Association (IFU), International Stevia Council (ISC), International Sweeteners Association (ISA)

Introduction

1. CCFA50 agreed to establish an EWG, co-chaired by the European Union and the United States of America with the following terms of reference:¹

To develop wording for an alternative to Note 161 relating to the use of sweeteners consistent with Section 3.2 of the Preamble to the GSFA and the Statement of Principles in the Procedural Manual to address concerns of those Codex Members requiring significant energy reduction or food with no added sugars when sweeteners were used and those Codex Members requiring flexibility in the use of sweeteners; and, subject to agreement on the wording of an alternative, review CXFA 15/47/13, in particular recommendations 1 to 6, in the context of pending and adopted provisions.

Working Document

2. The EWG approached its terms of reference in two consecutive steps:

Step 1) Develop consensus wording for an alternative to Note 161 relating to the use of sweeteners;

and

Step 2) Subject to agreement on the wording of an alternative, review CX/FA 15/47/13, in particular recommendations 1 to 6, in the context of pending and adopted provisions.

3. The co-chairs originally intended to issue three circulars. The intent of the first circular letter was to seek comment on proposed wording for an alternative Note to Note 161. The second circular would revise the proposed note based upon comments from the EWG members on the first circular. The second circular would also put forward an initial proposal on the application of the revised note to recommendations 1 to 6 in CXFA 15/47/13 and requests comment. The third circular would consider comments from the EWG on the second circular, and put forward a revised proposal for further consideration. The EWG report would then present a consensus recommendation based upon comments submitted to the third circular.

4. The EWG only issued two circulars. As a result, the EWG discussed proposed wording for an alternative Note to Note 161 and the application of the revised Note to recommendations 1 to 6 in CXFA 15/47/13, but a revised recommendation based on comments to the second circular was not circulated to the EWG for further comment. The current document presents a summary of the discussion in the EWG on the first and second circulars. The document also presents co-chair recommendations that take into account the EWG discussion.

¹ REP 18/FA, para. 142.

First Circular - Summarization of Comments and Discussion

5. The first circular put forward wording for a replacement Note to be attached to provisions for sweeteners as an alternative to Note 161:

“Some Codex Members allow use of sweeteners in all foods within this Food Category while others limit use to those foods with significant energy reduction or no added sugars.”

EWG Members were requested to indicate whether they agreed with the proposed note, to provide a rationale if they disagreed with the proposed text, and to suggest revisions to the proposal.

6. The majority of comments submitted to the first circular were in favour of the first circular note. However, several EWG members opposed the overall approach of a replacement Note, and instead proposed that CCFA address the use of Note 161 directly. Several comments also requested clarification as to the implication that the replacement note may associate the use of food additives (i.e., sweeteners) to nutritional claims, as well as clarification on how the proposed note would be implemented at a national and/or regional level. Of those EWG members in favour of the first circular note, several of those comments proposed revisions to the text. All of these topics are discussed below:

I. Comments that CCFA should address the use of Note 161 directly, rather than through a replacement Note

7. Several EWG members submitted comment that CCFA should address the use of Note 161 directly, rather than through a replacement Note. These comments stated that the replacement note proposed in the first circular:

- 1) has a similar understanding or scope to Note 161;
- 2) does not offer recommendations regarding the use of sweeteners;
- 3) sets criteria on the use of sweeteners that pertain to the properties of the end product and therefore goes beyond the criteria in Section 3.2 of the Preamble of the GSFA; and
- 4) the term “foods with significant energy reduction” is not definitive.

8. In response to these comments, the EWG co-chairs noted that addressing Note 161 directly – that is, determining when Note 161 should be deleted without an alternative note - is not within the mandate of the EWG. Rather, the mandate of the EWG is to develop wording for an alternative to Note 161 that addresses concerns of those Codex Members requiring significant energy reduction or food with no added sugars when sweeteners were used and those Codex Members requiring flexibility in the use of sweeteners. This mandate is the result of a long discussion within CCFA pertaining to the use of certain additives (including sweeteners) in the context of Section 3.2 of the Preamble.

9. In response to points 1-3, the EWG co-chairs observed that some comments submitted to the first circular state that the proposed note is an improvement over Note 161. Note 161 provides no guidance or recommendations on the use of the additive, nor does it provide any information on the considerations of CCFA in adopting the provision. In contrast, the proposed note provides information on the current safe use of sweeteners by Codex Members in international trade, and also provides information on the specific considerations of CCFA in adopting the provision. The proposed text does not put additional criteria on the use of sweeteners to that listed in Section 3.2 of the GSFA preamble, but rather provides information on where CCFA was able to reach consensus on the safe use of sweeteners within that criteria. In response to point 4, CCFA has not reached consensus on energy reduction, and therefore using more definitive text would not be appropriate in a replacement note.

II. Comments requesting clarification as to the implication that the replacement note may associate the use of food additives (i.e., sweeteners) to nutritional claims

10. Several comments noted that the *Guidelines for Use of Nutrition and Health Claims* (CAC/GL 23-1997) does not link the use of additives to any nutrient claim, and requested that the EWG report clarify that the replacement note is not intended to link the use of additive to any nutrient claim. In response the EWG co-chairs observed that the labelling of food is not within the mandate of CCFA, but rather within the mandate of the Codex Committee for Food Labelling (CCFL). The proposed replacement note does not place labelling requirements on food, but rather provides information on where CCFA was able to reach consensus on the use of sweeteners within the criteria listed in Section 3.2 of the GSFA preamble and the current safe use of sweeteners by Codex Members.

III. Comments requesting clarification on how the proposed note would be implemented at a national and/or regional level

11. Several comments requested clarification to minimize misinterpretation of the note at national and regional levels. In response the EWG co-chairs observed that the GSFA does not provide specific guidance on how any of its provisions are to be implemented at a national or regional level. Several comments to the first circular observe that Codex standards are voluntary, and that the implementation of those standards at the national or regional level is within the purview of individual Codex Members. The proposed note provides information on where CCFA was able to reach consensus on the use of sweeteners in the context of Section 3.2 of the Preamble. Codex Members can take this information into account in determining the implementation of the provision at the national or regional level.

IV. Comments proposing revision to the text of the alternative note

12. Several comments, while in favour of the alternative note put forward in the first circular, proposed revisions to address certain issues:

- 1) Some comments observed that some Codex Members may not limit use to energy reduced or no sugar added foods, but also may not allow general use in all foods in a particular food category.
- 2) Other comments proposed retaining a reference to national legislation in the proposed note.
- 3) Several comments observed that in certain food categories the additives under discussion may serve multiple technological functions, for example both sweetener and flavour enhancer, and since the note appeared to be specific to the sweetener use of the additive, the note should be limited to apply to the sweetener use only.

13. In response to point 1, the EWG co-chairs observed that this concern would appear to apply to specific food categories, rather than the development of a general note. Therefore it would be more appropriate for EWG members to raise this issue during discussion of the application of the note to specific food categories. In response to point 2, the EWG Chairs observe that the proposed note already states that some Members place specific restrictions on the use of sweeteners.

14. In response to point 3, the EWG co-chairs observed that the mandate of the EWG includes a review of recommendations 1-6 in CX/FA 15/47/13. CX/FA 15/47/13 recognized that in certain food categories the additives under discussion could perform multiple technological functions – for example, both a sweetener function and a flavour enhancer function. In such instance, CCFA may be able to reach consensus that the flavour enhancer function should not be limited to foods with significant energy reduction or no added sugar. To address this issue, the second circular proposed a revised footnote and approach, taking into account text proposed in comments submitted to the first circular (see below).

Second Circular - Revised Alternative Footnote

15. In response to comments to the first circular pertaining to the flavour enhancer use of some food additives with sweetener function, the second circular proposed a revision to the proposed footnote and observed that there may be two potential scenarios for the additives under discussion:

Revised Footnote: *“Some Codex Members allow the sweetener use of this additive in all foods within this Food Category while others limit the sweetener use to those foods with significant energy reduction or no added sugars”*

Potential scenarios:

- 1) where sweetener function is the only use for the additive in the food category with the provision; or
- 2) where the additive performs both a sweetener function and some other function (for example, flavour enhancer) in the food category with the provision.

16. The second circular proposed that, in scenario 1, a second note “For use as a sweetener only” could be attached to the provision to clarify that there were no other uses of the additive. In scenario 2, a second note could be attached to the provision to clarify the technological function for which there is consensus for general use in the food category and the use level for that technological function (for example “Except for general use as a flavour enhancer at ## mg/kg”).

Second Circular - Application of the Revised Footnote to Recommendations 1-6 in CX/FA 15/47/13

17. In addition to proposing a revised replacement note, the second circular also put forward an approach to apply the replacement note to recommendations 1-6 in CX/FA 15/47/13. To put this approach into context the second circular provided background on CX/FA 15/47/13.

I. Background on CX/FA 15/47/13

18. CX/FA 15/47/13 is the report of an EWG which requested (among other considerations) information on whether sweetener use was limited to energy reduced or no sugar added foods in the various food categories with provisions for three commonly used sweeteners. Based upon that information, CX/FA 15/47/13 provided recommendations pertaining to Note 161. These recommendations would be applied on a horizontal basis across each food category discussed by the EWG. These recommendations referred to 7 lists of food categories in Annex C of CX/FA 15/47/13. The lists in Annex C (termed List T, U, V, W, X, Y and Z) categorized the food categories discussed by the EWG based upon information provided by EWG members on the use of sweeteners in those food categories and whether the additive was used for a function in addition to sweetener (specifically flavour enhancer). These lists are reproduced in Appendix 1 to the current document.

19. Of the lists in Annex C of CX/FA 15/47/13:

- Lists T, U, V, and W (Correspond to Recommendations 1-4): pertain only to the use of sweeteners within the listed food category and energy reduction or no sugar added products.
- List X (Corresponds to Recommendation 5): proposes replacement of Note 161 with notes limiting use to certain products within the listed food categories based on criteria that is not dependant on energy reduction or no sugar added (with the exception of the recommendations for food category 04.1.2.1 and 04.1.2.2).
- List Y (Corresponds to Recommendation 6): lists food categories where additives with sweetener function are also used for the technological function of flavour enhancer
- List Z (Corresponds to Recommendation 7): lists food categories where no information was given on the use of sweeteners

II. Second circular proposal

20. The EWG co-chairs noted that, of the lists in Annex C of CX/FA 15/47/13, Lists T, U, V, and W pertain solely to the use of the additive as a sweetener in the context of energy reduction or no added sugar. Lists T, U, V, and W correspond to Recommendations 1-4 of CX/FA 15/47/13. The second circular proposed the horizontal replacement of Note 161 in all provisions for sweeteners (both adopted and in the step process) in the food categories listed in Lists T, U, V, and W (with the exception of FCs that also appear in lists X, Y, and Z) with the notes:

“Some Codex Members allow the sweetener use of this additive in all foods within this Food Category while others limit the sweetener use to those foods with significant energy reduction or no added sugars”

and

“For use as a sweetener only”

Under this proposal, the status of all provisions would remain unchanged (the provisions with the revised note would be maintained at their current step or adopted status).

III. Summarization of Comments to Second Circular

21. The majority of comments submitted in response to the second circular were in support of the second circular proposal. However, other comments expressed concerns with the second circular proposal, or requested additional clarification. These comments can be categorized as:

- 1) Proposal does not address flavor enhancer use of the additives in these food categories;
- 2) Need for clarification of certain issues in the EWG report;
- 3) Request for further discussion on sweetener use in food categories that appear in Lists V and W.

These comments, and recommendations to address these comments, are discussed in the Final Recommendations section below.

22. One EWG member commented that CX/FA 15/47/13 recommended that use of sweeteners in Lists V and W be limited to foods with significant energy reduction or no added sugar, as no information on use in other products had been provided. This EWG member requested further discussion on the general use of sweeteners in these food categories appearing in Lists V and W prior to any proposal to replace Note 161 in these food categories.

Final Recommendations

I. Proposal for an alternative to Note 161

23. Several comments submitted to the second circular, while supportive of the general replacement Note, did not support the use of the additional note “For use as a sweetener only”. Several comments noted that these additives may fulfill the function of flavour enhancer in specific products in the food categories under discussion, and that the proposed additional footnote limiting the additives to use as a sweetener only would not address the flavour enhancer use of the additives in these food categories. Others noted that the sweetener use of these additives is adequately addressed without the use of an additional footnote specifying sweetener use only. Comments also noted that the use of such a footnote restricting the use of the additive to a specific functional class appeared to be in conflict with the Codex Procedural Manual. To address these comments the EWG co-chairs put forward the following recommendations for discussion by CCFA51:

Recommendation 1: Specific to provisions (both adopted and in the Step Process) in food categories in Lists T, U, and Y² in CX/FA 15/47/13, replace Note 161 with the following alternative Notes:

For provisions for additives with the function of sweetener but not the function of flavour enhancer:
“Some Codex Members allow use of additives with sweetener function in all foods within this Food Category while others limit additives with sweetener function to those foods with significant energy reduction or no added sugars.”

For provisions for additives with both sweetener and flavour enhancer functions: *“Some Codex Members allow use of additives with sweetener function in all foods within this Food Category while others limit additives with sweetener function to those foods with significant energy reduction or no added sugars. This limitation may not apply to the appropriate use as a flavour enhancer.”*

Recommendation 2: The specific adopted provisions proposed for revision under Recommendation 1 are included in Appendix 2 of the current document. These adopted provisions are presented in the format of Table 2 of the GSFA. Appendix 2 differentiates which alternative note is proposed for each adopted provision.

Recommendation 3: The EWG co-chairs observe that draft and proposed draft provisions in the food categories in Lists T, U, and Y of CX/FA 15/47/13 are still in the Step Process. The EWG co-chairs recommend that these provisions be revised as per Recommendation 1 and circulated for comment by the EWG on the GSFA to CCFA52.³

II Clarification of issues

24. Several comments requested that clarification appear in the report related to concerns expressed in response to the first circular, including any implication that the replacement note would link the use of sweeteners to nutritional claims, the need for clarification on how the proposed note would be implemented at a national or regional level, and that the proposed note does not set additional criteria on the use of sweeteners beyond that set in Section 3.2 of the Preamble to the GSFA.

Recommendation 4: To address requests for clarification, the EWG co-chairs provide the following summation of the discussion of the EWG for consideration by CCFA51 for inclusion in the final report:

The replacement notes provide information on the current use of sweeteners by Codex Members, and also provides information on the specific considerations of CCFA in adopting the provision. The proposed text does not place labelling requirements on food, nor put additional criteria on the use of sweeteners to that listed in Section 3.2 of the GSFA preamble, but rather provides information on where CCFA was able to reach consensus on the use of sweeteners within that criteria. Codex Members can take this information into account in determining the implementation of the provision at the national or regional level.

III Further discussion on sweetener use in food categories that appear in Lists V and W

25. One EWG member commented that CX/FA 15/47/13 recommended that use of sweeteners in Lists V and W be limited to foods with significant energy reduction or no added sugar, as no information on general use in these food categories had been provided. This EWG member requested further discussion on the general use of sweeteners in these food categories appearing in Lists V and W prior to any proposal to replace Note 161 in these food categories.

² Lists T, U and Y in CX/FA 15/47/13 pertain to food categories where information was provided on the general use of sweeteners, or where specific information on flavour enhancer use was provided

³ As the draft and proposed draft provisions will be circulated for comment, they are not listed in the current document.

Recommendation 5: The EWG co-chairs recommend that CCFA51 reconvene the current EWG to discuss provisions with Note 161 attached to them:

- in food categories in Lists V and X of CX/FA 15/47/13 and provide recommendations for a replacement Note for Note 161; and
- in food categories in List W and Z of CX/FA 15/47/13 to determine if sweeteners or flavour enhancers are justified in these food categories and provide recommendations either for a replacement Note for Note 161 or whether such provisions should be revoked/discontinued.

Appendix 1 – Reproduction of lists of food categories in Annex C of CX/FA 15/47/13

This appendix reproduces the lists of food categories in Annex C of CX/FA 15/47/13.

List T: (Recommendation 1 from CX/FA 15/47/13: Food categories where Note 161 should be maintained)

Food Category No.	Title
01.1.2	Dairy-based drinks, flavoured and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)
01.7	Diary-base desserts (e.g., pudding, fruit or flavoured yoghurt)
03.0	Edible ices, including sherbert and sorbet
04.1.2.5	Jams, jellies and marmelades
04.1.2.6	Fruit-based spreads (e.g., chutney) excluding products of food category 04.1.2.5
04.1.2.8	Fruit preparations, including pulp, purees, fruit toppings and coconut milk
04.1.2.9	Fruit-based desserts, including fruit flavoured water-based desserts
05.1.3	Cocoa-based spreads, including fillings
05.1.4	Cocoa and chocolate products
05.2.1	Hard candy
05.2.2	Soft candy
05.4	Decorations (e.g., for fine bakery wares), toppings (non-fruit) and sweet sauces
06.3	Breakfast cereals, including rolled oats
10.4	Egg-based desserts (e.g., custard)
14.1.4	Water-based flavoured drinks, including “sport,” “energy,” or “electrolyte” drinks and particulated drinks
14.1.5	Coffee, coffee substitutes, tea, herbal infusions, and other hot cereal and grain beverages, excluding cocoa

List U: (Recommendation 2 from CX/FA 15/47/13: Food categories where Note 161 should be maintained)

Food Category No.	Title
04.1.2.10	Fermented fruit products
04.1.2.12	Cooked fruit
05.2.3	Nougats and marzipans
12.5	Soups and broths
07.1	Bread and ordinary bakery wares and mixes
12.2.2	Seasonings and condiments
12.3	Vinegars

List V: (Recommendation 3 from CX/FA 15/47/13: Food categories where Note 161 can be replaced by ERONAS note)

Food Category No.	Title
02.4	Fat-base desserts excluding dairy based dessert products of food category 01.7
04.1.2.4	Canned or bottled (pasteurized) fruit

Food Category No.	Title
06.5	Cereal and starch based desserts (e.g., rice pudding, tapioca pudding)
14.1.3.2	Vegetable nectar
14.1.3.4	Concentrates for vegetable nectar
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
04.2.2.4	Canned or bottled (pasteurized) or retort pouch vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds
05.3	Chewing gum

List W: (Recommendation 4 from CX/FA 15/47/13: Food categories where Note 161 can be replaced by ERONAS note (or provision discontinued/revoked))

Food Category No.	Title
02.3	Fat emulsions mainly of type oil-in-water, including mixed and/or flavoured products based on fat emulsions
04.1.2.11	Fruit fillings for pastries
04.1.2	Processed fruit
05.1.5	Imitation chocolate, chocolate substitute products

List X: (Recommendation 5 from CX/FA 15/47/13: Food categories where Note 161 can be replaced by a more specific note)

Food Category No.	Title	Recommendation
04.1.2.3	Fruit in vinegar, oil, or brine	Replace with existing note 144: "For use in sweet and sour products only".
04.2.2.2	Dried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera) and seaweeds in vinegar, oil, brine, or soybean sauce	Replace with existing note 144 "For use in sweet and sour products only" and new note "For use in dried seaweed only".
04.2.2.3	Vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera) and seaweeds in vinegar, oil, brine, or soybean sauce	Replace with existing note 144: "For use in sweet and sour products only".
01.3.2	Beverage whiteners	Replace with new note "For use in pre-sweetened beverage whiteners only"
01.4.4	Cream analogues	Replace with a new note "For use in pre-sweetened cream analogues only"
01.5.2	Milk and cream powder analogues	Replace with a new note "For use in pre-sweetened milk and cream powder analogues only"
01.6.1	Unripened cheese	Replace with a new note "For use in flavoured unripened cheese only"
01.6.5	Cheese analogues	Replace with a new note "For use in pre-sweetened products only"
04.1.2.1	Frozen fruit	Replace with a new note "For products in a syrup or juice with no

Food Category No.	Title	Recommendation
		added sugar only”
04.1.2.2	Dried fruit	Replace with a new note “For use only in non-standardised energy-reduced products or products with no added sugars as defined in CAC/GL 23-1997”
04.1.2.7	Candied fruit	Replace with a new note “For use candied plums only”
04.2.2.6	Vegetables (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	Replace with new notes “In crystallised ginger only” and “For use in traditional sweets containing boiled bean paste only”
04.2.2.7	Fermented vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweed products, excluding fermented soybean products of food categories 06.5.6, 06.8.7, 12.9.1, 12.9.2.1 and 12.9.2.3	Replace with existing note 144: “For use in sweet and sour products only”.
04.2.2.8	Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweed	Replace with new note “for use in boiled beans only”

List Y: (Recommendation 6 from CX/FA 15/47/13: Food categories where provision could be adapted to reflect use as flavour enhancer)

Food Category No.	Title	EWG Chair Recommendation
01.1.2	Dairy-based drinks, flavoured and/or fermented (e.g., chocolate milk, cocoa, eggnog, drinking yoghurt, whey-based drinks)	Limits could be set via notes for the levels justified for flavour enhancer use
05.3	Chewing gum	Set limits via new note for additive when used as a flavour enhancer in chewing gum with added sugar Aspartame 2500 mg/kg and acesulfame K 800 mg/kg

List Z: (Recommendation 7 from CX/FA 15/47/13: Food categories where the use of the three sweeteners can be discontinued or revoked)

Food Category No.	Title
04.2.2.1	Frozen vegetables
12.2.1	Herbs and spices
04.2.2.5	Vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweed, and nut and seed purees and spreads (e.g., peanut butter)

Appendix 2 – Adopted provisions with Note 161 attached to them from Lists T, U, and Y from CX/FA 15/47/13, and subsequent Revision Recommendation

This appendix reproduces the specific adopted provisions proposed for revision under **Recommendations 1 and 2**. These adopted provisions are presented in the format of Table 2 of the GSFA. This Appendix differentiates which alternative Note for Note 161 is proposed for each adopted provision. In this Appendix, those alternative Notes are designated as Note A or Note B:

Note A: “Some Codex Members allow use of additives with sweetener function in all foods within this Food Category while others limit additives with sweetener function to those foods with significant energy reduction or no added sugars.”

Note B: “Some Codex Members allow use of additives with sweetener function in all foods within this Food Category while others limit additives with sweetener function to those foods with significant energy reduction or no added sugars. This limitation may not apply to the appropriate use as a flavour enhancer.”

Food Category No. 01.1.4 (Flavoured fluid milk drinks)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	350	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ALITAME	956	100	161	2007	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	600	161, 191 & 405	2017	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME-ACESULFAME SALT	962	350	113 & 161	2009	Sweetener	Replace Note 161 with Note A
CYCLAMATES	952(i), (ii), (iv)	250	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	20	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	80	161 & 406	2017	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	300	161 & 404	2017	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 01.7 (Dairy-based desserts (e.g. pudding, fruit or flavoured yoghurt))

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	350	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ALITAME	956	100	161	2007	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME-ACESULFAME SALT	962	350	113 & 161	2009	Sweetener	Replace Note 161 with Note A
CYCLAMATES	952(i), (ii), (iv)	250	17 & 161	2007	Sweetener	Replace Note 161 with Note A

NEOTAME	961	100	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	100	161	2007	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	400	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 03.0 (Edible ices, including sherbet and sorbet)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	800	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ALITAME	956	100	161	2007	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
CYCLAMATES	952(i), (ii), (iv)	250	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	100	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	100	161	2007	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	320	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 04.1.2.5 (Jams, jellies, marmelades)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	1000	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ALITAME	956	100	161	2007	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME-ACESULFAME SALT	962	1000	119 & 161	2009	Sweetener	Replace Note 161 with Note A
CYCLAMATES	952(i), (ii), (iv)	1000	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	70	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	200	161	2007	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	400	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 04.1.2.6 (Fruit-based spreads (e.g. chutney) excluding products of food category 04.1.2.5)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	1000	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
CYCLAMATES	952(i), (ii), (iv)	2000	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	70	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	200	161	2007	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	400	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 04.1.2.8 (Fruit preparations, including pulp, purees, fruit toppings and coconut milk)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	350	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME-ACESULFAME SALT	962	350	113 & 161	2009	Sweetener	Replace Note 161 with Note A
CYCLAMATES	952(i), (ii), (iv)	250	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	100	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	200	161	2007	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	400	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 04.1.2.9 (Fruit-based desserts, including fruit-flavoured water-based desserts)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	350	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME-ACESULFAME SALT	962	350	113 & 161	2009	Sweetener	Replace Note 161 with Note A

CYCLAMATES	952(i), (ii), (iv)	250	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	100	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	100	161	2007	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	400	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 04.1.2.10 (Fermented fruit products)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	350	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
NEOTAME	961	65	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	160	161	2008	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	150	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ACESULFAME POTASSIUM	950	350	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 04.1.2.12 (Cooked fruit)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	500	161 & 188	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
NEOTAME	961	65	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	150	161	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 05.1.3 (Cocoa-based spreads, including fillings)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
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ACESULFAME POTASSIUM	950	1000	161, 188 & XS86	2016	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ALITAME	956	300	161 & XS86	2016	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	3000	161, 191 & XS86	2016	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
CYCLAMATES	952(i), (ii), (iv)	500	17, 161 & XS86	2016	Sweetener	Replace Note 161 with Note A
NEOTAME	961	100	161 & XS86	2016	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	200	161 & XS86	2016	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	400	161, 169 & XS86	2016	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 05.1.4 (Cocoa and chocolate products)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	500	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ALITAME	956	300	161 & XS87	2017	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	3000	37, 161 & 191	2017	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
CYCLAMATES	952(i), (ii), (iv)	500	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	80	161 & XS87	2017	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	500	161	2007	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	800	161 & XS87	2017	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 05.2 (Confectionery including hard and soft candy, nougats, etc. other than food categories 05.1, 05.3 and 05.4)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ALITAME	956	300	161 & XS309R	2017	Sweetener	Replace Note 161 with Note A
CYCLAMATES	952(i), (ii), (iv)	500	17, 156, 161 & XS309R	2017	Sweetener	Replace Note 161 with Note A
NEOTAME	961	330	158, 161 & XS309R	2017	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

SACCHARINS	954(i)-(iv)	500	161, 163 & XS309R	2017	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	1800	161, 164 & XS309R	2017	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 05.2.1 (Hard candy)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	500	156, 161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	3000	161 & 148	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 05.2.2 (Soft candy)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	1000	157, 161, 188 & XS309R	2017	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	3000	148, 161 & XS309R	2017	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 05.2.3 (Nougats and marzipans)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	1000	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	3000	161 & 191	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 05.3 (Chewing gum)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	5000	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

ALITAME	956	300	161	2007	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	10000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
CYCLAMATES	952(i), (ii), (iv)	3000	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	1000	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	2500	161	2007	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	5000	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 05.4 (Decorations (e.g. for fine bakery wares), toppings (non-fruit) and sweet sauces)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	500	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ALITAME	956	300	161	2007	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
CYCLAMATES	952(i), (ii), (iv)	500	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	100	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	500	161	2007	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	1000	161	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 06.3 (Breakfast cereals, including rolled oats)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	1200	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
NEOTAME	961	160	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	100	161	2008	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	1000	161	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 07.1 (Bread and ordinary bakery wares)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	1000	161 & 188	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	4000	161 & 191	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
NEOTAME	961	70	161	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	650	161	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 10.4 (Egg-based desserts (e.g. custard))

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	350	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	1000	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
CYCLAMATES	952(i), (ii), (iv)	250	17 & 161	2007	Sweetener	Replace Note 161 with Note A
NEOTAME	961	100	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	400	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 12.2.2 (Seasonings and condiments)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ASPARTAME	951	2000	161 & 191	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)-(iv)	1500	161	2008	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	700	161	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 12.3 (Vinegars)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	2000	161 & 188	2008	Flavour Enhancer,	Replace Note 161 with Note B

					Sweetener	
ASPARTAME	951	3000	161 & 191	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
NEOTAME	961	12	161	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	400	161	2008	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 12.5 (Soups and broths)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	110	161, 188 & XS117	2015	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ALITAME	956	40	161 & XS117	2015	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	1200	161, 188 & XS117	2015	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
NEOTAME	961	20	161 & XS117	2015	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SACCHARINS	954(i)- (iv)	110	161 & XS117	2015	Sweetener	Replace Note 161 with Note A
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	600	161 & XS117	2015	Flavour Enhancer, Sweetener	Replace Note 161 with Note B

Food Category No. 14.1.4 (Water-based flavoured drinks, including "sport," "energy," or "electrolyte" drinks and particulated drinks)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	600	161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ALITAME	956	40	161	2007	Sweetener	Replace Note 161 with Note A
ASPARTAME	951	600	161 & 191	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
NEOTAME	961	33	161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SUCRALOSE	955	300	127 & 161	2007	Flavour Enhancer,	Replace Note 161 with Note B

(TRICHLOROGALACTOSUCROSE)					Sweetener	
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Food Category No. 14.1.4.1 (Carbonated water-based flavoured drinks)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
SACCHARINS	954(i)-(iv)	300	161	2008	Sweetener	Replace Note 161 with Note A

Food Category No. 14.1.4.2 (Non-carbonated water-based flavoured drinks, including punches and ades)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
SACCHARINS	954(i)-(iv)	300	161	2008	Sweetener	Replace Note 161 with Note A

Food Category No. 14.1.4.3 (Concentrates (liquid or solid) for water-based flavoured drinks)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
SACCHARINS	954(i)-(iv)	300	127 & 161	2008	Sweetener	Replace Note 161 with Note A

Food Category No. 14.1.5 (Coffee, coffee substitutes, tea, herbal infusions, and other hot cereal and grain beverages, excluding cocoa)

Additive	INS	Max Level (mg/kg)	Notes	Year Adopted	INS Functional Class	Proposal
ACESULFAME POTASSIUM	950	600	160, 161 & 188	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
ASPARTAME	951	600	160 & 161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B
SUCRALOSE (TRICHLOROGALACTOSUCROSE)	955	300	160 & 161	2007	Flavour Enhancer, Sweetener	Replace Note 161 with Note B