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FOOD AND AGRICULTURE
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Agenda Item 10(b)

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Forty-first Session

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DISCUSSION PAPER ON THE IDENTIFICATION OF PROBLEMS AND RECOMMENDATIONS RELATED TO THE INCONSISTENT PRESENTATION OF FOOD ADDITIVES PROVISIONS IN CODEX COMMODITY STANDARDS

(Prepared by Switzerland)

INTRODUCTION

1. At its 38th, 39th and 40th sessions, the Codex Committee on Food Additives (CCFA) extensively discussed the relationship between the Codex General Standard for Food Additives (GSFA) and the food additives provisions in the Codex commodity standards, and reached a consensus with respect to the procedure for developing the GSFA and involving in a clear and transparent manner the responsible Codex Commodity Committee for those food categories that are covered by a commodity standard. The Codex Procedural Manual was thereby amended accordingly and the amendment adopted by the Codex Alimentarius Commission (CAC) at its 30th session in 2007.
2. The main elements of the consensus are:
 - a. The GSFA is being developed to be the single reference point for food additives within the Codex Alimentarius and should therefore be fully consistent with any food additive provisions in Commodity Standards.
 - b. Preferably Commodity Standards should refer in a general manner to the GSFA (using the default form laid down in the Format for Codex Commodity Standards, Procedural Manual 17th Edition, page 101). Deviations from that default language need to be fully justified and should be kept to a minimum.
 - c. All food additives provisions in Commodity Standards must be endorsed by the CCFA; the CCFA shall consider the technological justification submitted by Commodity Committees.
 - d. Where an active Commodity Committee exists, the CCFA and the Commodity Committee shall consult each other very early (before Step 5) on proposed amendments to the food additives provisions relevant to a Codex Standard
 - e. Where no active Commodity Committee exists, the CCFA is entrusted with preparing new additive provisions or amendments to existing ones which shall be forwarded directly to Codex members.
3. The consensus achieved as regards the procedure to be followed during the revision of existing or adoption of new food additives did not make the participants lose sight of the fact that there are still considerable (and increasing) inconsistencies between the GSFA and the food additives provisions of many Codex Commodity Standards.

4. In order to achieve the primary objective of making the GSFA to be the single reference point for food additives within Codex, considerable changes would be necessary in order to reach full consistency between the GSFA and all existing Codex Commodity Standards with food additives provisions. Needless to say, this task would require considerable resources. Therefore, the Commission, following a recommendation by the Executive Committee (59th session) agreed at its 30th session, that such activity should be suspended until the GSFA is completed (ALINORM 7/30 REP para 45).

5. However, it was also obvious that such inconsistencies continue to be a source of potential conflicts and discussions that negatively impact on the work of the CCFA. Furthermore, even the decision to suspend “until the GSFA would be completed” requires a solution that could at that future point of time be implemented.

6. An Electronic Working Group led by the United States of America examined the issue in a detailed manner and presented recommendations and options to the 39th session of the CCFA (CX/FA 07/39/06). Based on these recommendations and options, the CCFA agreed to “*create an Annex to the GSFA to transfer all information related to food additives that was contained in Codex Commodity Standards and to clearly identify that the provisions contained in the Annex were exceptions to the provisions contained in Tables 1, 2 and 3 of the GSFA*” (ALINORM 7/30/12 para 80).

7. The CCFA requested the Codex Secretariat at the same session “to collect all information on food additives contained in Codex Commodity Standards into a document to be presented at the next session of the Committee”. This working document (CX/FA 08/40/7) was circulated prior to the 40th session to which the Delegations of Malaysia and Switzerland submitted comments (CRD 11, 40th session).

8. The matter was discussed by the 40th session of the CCFA, the main arguments were basically reiterated, and the Committee agreed to ask Switzerland to prepare a more focused Discussion paper with clear identification of the problems and concrete recommendations, which would take into account document CX/FA 08/40/7, as well as the recommendations contained in document CX/FA 07/39/6, for consideration at the next session of the Committee and subsequent referral to the Commission, through the Executive Committee, for further guidance as appropriate.

IDENTIFIED PROBLEMS – A RECENT EXAMPLE

9. The working document CX/FA 08/40/7 and the comments which were submitted by Switzerland in CRD 11 present numerous examples of existing inconsistencies between the GSFA and Codex Commodity Standards. Such inconsistencies occur at various levels of a provision such as format, nomenclature/terminology, technological justification (functional class), list of additives, conditions of use, etc.

10. Instructive examples for such inconsistencies are the five “old” commodity standards for several processed meat products for which the Codex Secretariat recently requested Codex members and observers to submit information about their use and validity (CL 2009/2-CAC). These Standards describe products that are part of various food categories under food category 08.0 *Meat and meat products, including poultry and game*.

11. For one of these meat products, *Cooked cured pork shoulder* (CODEX STAN 97-1981), Appendix I of this document compares the provisions in the Standard with the adopted GSFA entries for category 08.2.2 (*Heat-treated processed meat, poultry, and game products in whole pieces or cuts*) where the standardised food is specifically mentioned in the definition. The Standard for *Cooked cured pork shoulder* is considerably more restrictive with respect to food additives permitted than the GSFA category 08.2.2 to which this product belongs (see Appendix II for the screenshot from the online GSFA).

12. Since the food additives entries for food categories 08.2, 08.2.2 and Table 3 were developed in compliance with the agreed principles (see preamble of the GSFA), there should not be any safety issues with respect to the use of GSFA-food additives in *cooked cured pork shoulder* in addition to those currently mentioned in the Commodity Standard. It should also be kept in mind that Table 3 food additives should be used according to GMP which means that only if there is real technological justification and at levels which are sufficient to achieve the desired effect.

13. Beside the list of permitted food additives, there are also differences with respect to the conditions of use such as the maximum levels for four antioxidants (ascorbic and isoascorbic acid, sodium ascorbate and isoascorbate) which are 500 mg/kg in the Commodity Standard but at GMP as Table 3 additives in the GSFA. Notably in the case of phosphates naturally present, phosphates are considered by the Commodity Standard but not considered by the GSFA. Conflicts of less importance result from differences in the names e.g. the one for *Citrate, sodium salt* in the commodity standard and **Sodium dihydrogen citrate (331(i))** in the GSFA.

ISSUES FOR DISCUSSION

14. Using the example of the Codex Standard for *Cooked cured pork shoulder* it is obvious that a double standard situation could result as two separate and “legally valid” Codex texts provide conflicting guidance.

15. The different time of adoption of the particular guidance does not clarify the situation since both texts are adopted Codex texts and the adoption of the GSFA provisions for the food category is not linked formally to a revocation of Commodity Standard food additives provisions: the food additives provisions of the “old” Commodity Standard therefore still remain valid.

16. The establishment of a GSFA-Annex of existing Codex Commodity Standards food additives provisions as agreed by the 39th CCFA session (see para 6) is a quick solution but its official adoption could be perceived as a perpetuation of such double standards by the Codex Alimentarius Commission which possibly could weaken the credibility of the Codex Alimentarius. The foreseen initial “clarification” for entries in this Annex could possibly rather increase confusion since it is difficult to understand what part of the food additives provisions in the Standard for *Cooked cured pork shoulder* were “exceptions to the provisions contained in Tables 1, 2 and 3 of the GSFA”.

17. Furthermore, the proposed Annex neither presents a lasting solution nor does it outline a work programme on how to address similar inconsistencies.

18. While discussing the existing inconsistencies, the CCFA should also be cautious in order to avoid creating new inconsistencies for already aligned Standards. In the absence of an active Commodity Committee, the CCFA and Codex members are the guardians who have the responsibility to ensure that the agreed consensus for a commodity continues to be respected. Some food additives proposals for fruit and vegetable juices which have been submitted to the present session clearly illustrate the fact that even provisions which entail controversial issues (e.g. sweeteners in juices) which were recently adopted by consensus can rapidly be questioned soon afterwards. In the absence of an active Commodity Committee, the CCFA and Codex members are the guardians who have the responsibility to ensure that the agreed consensus for a commodity continues to be respected.

RECOMMENDATIONS

19. The identified problems make us question whether the proposed Annex to the GSFA would provide a satisfactory answer to the existing inconsistencies. Yet, working document CX/FA 08/40/7 which was considered to be the preparatory step towards the creation of such an Annex, contains valuable and essential information to understand whether the provisions of the GSFA are unequivocal or where competing Codex provisions temporarily exist.

20. Based on the considerations and discussion points raised above, the Committee may wish to consider the following recommendations which are presented by the Swiss delegation as separate options:

Recommendation I:

The working document should be updated annually with the following modified structure:

Appendix I: List of Codex Commodity Standards

Appendix II: Food Additives Provisions in Codex Commodity Standards

Part A: Standards already aligned with the GSFA

Part B: Standards to be aligned with the GSFA

Recommendation II:

With respect to the proposed Appendix II Part A, the Committee may wish to emphasise that “aligned Standards” are specially monitored and that principles agreed previously continue to be valid. Such principles may only be challenged as such but not because a new food additive of a functional class is proposed by a member or observer.¹

Recommendation III:

With respect to the proposed Appendix II Part B, the Committee may wish to establish a long-term work programme that aims to review all Commodity Standards that are not-aligned with the GSFA, with the objective to move them ultimately to Part A. This work programme should, if possible, initially be informal, and not be submitted to the Commission for approval as new work.

Recommendation IV:

With respect to the work programme mentioned above, the Committee may wish to entrust a delegation or a small working group with the task of identifying “candidate” Commodity Standards whose food additives provisions could be proposed for amendment in order to align them with the GSFA provisions. Identification of eligible Commodity Standards and priority setting should be pragmatic and follow the principle of “most needed / priority” (i.e. where Codex members identify potential trade conflicts). This work should be independent from the development of the GSFA and not result in slowing down this important work.

Recommendation V:

The Committee should reconsider its previous decision as to whether the working document shall be an official Annex to the GSFA or rather a publicly available working document used by the Committee for the development of the GSFA.

¹ An example would be the agreement that sweeteners should not be used in fruit and vegetable juices: a new sweetener should not be proposed by the GSFA Working group for such use merely because it has been evaluated by JECFA.

APPENDIX I

Codex Standard for Cooked Cured Pork Shoulder (CODEX STAN 97-1981)		GSFA permitted food additives and comments	
4. FOOD ADDITIVES		Food additives	Conditions of use
	Maximum Ingoing Amount		
4.1. Preservatives			
4.1.1 Nitrite, potassium and/or sodium salts expressed as sodium nitrite	200 mg/kg total nitrite	GSFA does not differentiate between ingoing and finished products.	
	Maximum Level Calculated on the Total Net Content of the Final Product		
4.1.2 Nitrite, potassium and/or sodium salts expressed as sodium nitrite	125 mg/kg total nitrite	Nitrites (INS 249, 250)	170mg/kg (As residual NO ₂ ion) at Step 7
4.1.3 Potassium chloride	Limited by Good Manufacturing Practice	Potassium chloride	GMP by Table 3
4.2 Antioxidants			
4.2.1 Ascorbic acid and its sodium salt	500 mg/kg (expressed as ascorbic acid)	Ascorbic acid, L- (300):	GMP by Table 3
		Sodium ascorbate (301):	GMP by Table 3
4.2.2 Iso-ascorbic acid and its sodium salt singly or in combination		Isoascorbic acid (Erythorbic acid) (315)	GMP by Table 3
		Sodium isoascorbate (316)	GMP by Table 3
		Butylated hydroxyanisole (320)	200 mg/kg for 08.2. (Notes 15, 130)
		Butylated hydroxytoluene (320)	100 mg/kg 08.2. (Notes 15, 130, 167)
		Propyl gallate (310)	200 mg/kg 08.2. (Notes 130, 15)
		Tertiary butylhydroquinone (319)	100 mg/kg for 08.2. (Notes 15, 130, 167)
4.3 Flavours			
4.3.1 Natural flavouring substances and nature-identical flavouring substances defined in the Codex Alimentarius	Limited by Good Manufacturing Practice	Not addressed by GSFA	
4.3.2 Smoke flavourings as evaluated by JECFA	Limited by Good Manufacturing Practice	Not addressed by GSFA	
4.4 Flavour Enhancers			
4.4.1 5'-Guanylate, disodium	Limited by Good Manufacturing Practice	Disodium 5'-guanylate (627)	GMP by Table 3
4.4.2 5'-Inosinate, disodium	Limited by Good Manufacturing Practice	Disodium 5'-inosinate (631)	GMP by Table 3
4.4.3 Monosodium glutamate	Limited by Good Manufacturing Practice	Monosodium glutamate (621)	GMP by Table 3
4.5 Acidity Regulators			

Codex Standard for Cooked Cured Pork Shoulder (CODEX STAN 97-1981)		GSFA permitted food additives and comments	
4. FOOD ADDITIVES		Food additives	Conditions of use
4.5.1 Citrate, sodium salt	Limited by Good Manufacturing Practice	Sodium dihydrogen citrate (331(i))	GMP by Table 3
4.6 Water Retention Agents			
4.6.1 Phosphates (naturally present plus added) Natural phosphate (mg/kg P205) calculated as 250 x % protein	8000 mg/kg (expressed as P205)		
4.6.2 Added phosphates (mono-, di- and poly-), sodium and potassium salts Having INS Nos. 339, 340, 450, 451 and 452	3000 mg/kg (expressed as P205), singly or in combination	Phosphates 338; 339(i)-(iii); 340(i)-(iii); 341(i)-(iii); 342(i),(ii); 343(i)-(iii); 450(i)-(iii),(v)-(vii); 451(i),(ii); 452(i)-(v); 542	3100 mg/kg As phosphorus) at Step 6
4.7 Thickeners			
4.7.1 Agar	Limited by Good Manufacturing Practice	Agar (406)	GMP by Table 3
4.7.2 Carrageenan	Limited by Good Manufacturing Practice	Carrageenan and its ammonium, calcium, magnesium, potassium and sodium salts (includes furcellaran) (407)	GMP by Table 3
4.7.3 Alginates, potassium and/or sodium salts	10 mg/kg	Alginic acid (400), Sodium alginate (401) , Potassium alginate (402)	GMP by Table 3
		Caramel III - ammonia process (150c)	GMP for 08.2. (Notes 3, 16, 4)
		Caramel IV - sulfite ammonia process (150d)	GMP for 08.2 (Note 16, 4)
		Carmines (120)	500 mg/kg for 08.2 (Note 16)
		beta-Carotenes (vegetable) (160a(ii))	5,000 mg/kg for 08.2 (Note 16)
		Riboflavins	1,000 mg/kg for 08.2 (Note 16)
		Polysorbates	5,000 mg/kg for 08.2
		Saccharins	500 mg/kg for 08.2.2 (Note 161)
		Sunset yellow FCF (110)	300 mg/kg Note 16
		Additional additives	GMP by Table 3 (if technologically justified)

Codex Standard for Cooked Cured Pork Shoulder (CODEX STAN 97-1981)	GSFA permitted food additives and comments	
4. FOOD ADDITIVES	Food additives	Conditions of use
<p>Note 3: Surface treatment.</p> <p>Note 4: For decoration, stamping, marking or branding the product.</p> <p>Note 15: Fat or oil basis.</p> <p>Note 16: For use in glaze, coatings or decorations for fruit, vegetables, meat or fish.</p> <p>Note 130: Singly or in combination: butylated hydroxyanisole (INS 320), butylated hydroxytoluene (INS 321), tertiary butylated hydroquinone (INS 319), and propyl gallate (INS 310).</p> <p>Note 161: Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble.</p> <p>Note 167 For dehydrated products only.</p>		

GSFA Online

Updated up to the 31st Session of the Codex Alimentarius Commission (2008)

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FOOD CATEGORY DETAILS

🔍 Heat-treated processed meat, poultry, and game products in whole pieces or cuts (08.2.2)

Description:

Includes cooked (including cured and cooked, and dried and cooked), heat-treated (including sterilized) and canned meat cuts. Examples include: cured, cooked ham; cured, cooked pork shoulder; canned chicken meat; and meat pieces boiled in soy sauce (tsukudani).

This page provides information on the food additive provisions that are acceptable for use in foods conforming to the food category.

GSFA Provisions for Food Category 08.2.2

INS No.	Food Additive or Group	Max Level	Notes	Defined In
320	Butylated hydroxyanisole		200 mg/kg Note 15 Note 130	08.2
321	Butylated hydroxytoluene		100 mg/kg Note 167 Note 15 Note 130	08.2
150c	Caramel III - ammonia process		GMP Note 16 Note 3 Note 4	08.0
150d	Caramel IV - sulfite ammonia process		GMP Note 16 Note 4	08.0
120	Carmines		500 mg/kg Note 16	08.2
160a(ii)	beta-Carotenes (vegetable)		5,000 mg/kg Note 16	08.2
	POLYSORBATES		5,000 mg/kg	08.2
310	Propyl gallate		200 mg/kg Note 15 Note 130	08.2
	RIBOFLAVINS		1,000 mg/kg Note 16	08.2
	SACCHARINS		500 mg/kg Note 161	08.2.2
110	Sunset yellow FCF		300 mg/kg Note 16	08.2
319	Tertiary butylhydroquinone		100 mg/kg Note 167 Note 15 Note 130	08.2

Items in uppercase (e.g. PHOSPHATES) refer to food additive groups.

GSFA Table 3 Provisions

The following additives, as indicated by **Table 3**, may be used in this food category under the conditions of good manufacturing practice (GMP) as outlined in the Preamble of the Codex GSFA.

INS No.	Food Additive or Group
260	Acetic acid, glacial