codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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Agenda Item 3 (b) **CX/MMP 02/4-Add1**
March 2002

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON MILK AND MILK PRODUCTS

Fifth Session

Wellington, New Zealand, 8-12 April 2002

PROPOSED DRAFT REVISED STANDARD FOR FERMENTED MILKS PRODUCTS COMMENTS

The following comments were received from: Argentina, Canada, Columbia, Czech Republic, Denmark, Italy, Japan, New Zealand, Poland, United Kingdom, United States of America and International Dairy Federation.

GENERAL

ARGENTINA

The title of the document in the Spanish version is incorrect.
It reads: *"Anteproyecto de Norma Revisada para productos a base de Leche Fermentada" [Revised Draft Standard for Products based on Fermented Milk]*
It should read: *"Anteproyecto de Norma Revisada para las Leches Fermentadas" [Revised Draft Standard for Fermented Milks]*

COLOMBIA

We accept the following recommendations: 7/11/15/22/24/26/32.

Recommendation No. 7. Adopt the wording "at the date of minimum durability" and include the following statement: Compliance with the microbiological criteria specified above is to be verified by the manufacturer through analytical testing of the product on the date of minimum durability after the product has been stored under the responsibility of the manufacturer and in the storage conditions specified in the labelling.

Recommendation No. 11:
In Section 2.1, replace reference to mild yoghurt and its tentative definition with the following "Culture-modified yoghurt: Culture of Streptococcus thermophilus and any Lactobacillus species"
In Section 7.1.1, insert the following: "Culture-modified yoghurt" as defined in Section 2 shall be named through the use of an appropriate qualifier in conjunction with the word "yoghurt". The chosen qualifier shall describe, in a way that is accurate and not misleading to the consumer, the nature of the change imparted to the yoghurt through the selection of the specific Lactobacilli in the culture for manufacturing the product. Such change may include a marked difference in the fermentation organisms, metabolites and [sic] sensory properties of the product when compared to the product designated solely as "yoghurt".

Examples of qualifiers which describe differences in sensory properties include terms such as “mild” or “tangy”. The term “culture-modified yoghurt” shall not apply as a designation.

Culture-modified yoghurt should comply with the other compositional requirements as for yoghurt.

Recommendation no. 15:
Change the category name into “flavoured fermented milks” and include a reference to the definition of “composite milk product” as defined in GSUDT (Colombian Technical Norm NTC 5024 based on Codex Standard 206). Further, establish the maximum limit of non-dairy ingredients to “less than 50%”.

Recommendation 22. Total number of specific microorganisms determined as at the date of minimum durability.

Recommendation 24. Total number of specific microorganisms - acidophilus = 10 6 cfu/g

Recommendation 26. Total number of specific microorganisms – optional cultures.

An explanatory note may be advisable, e.g. as follows:

b) Applies where a content claim is made in the labelling that refers to the presence of a specific microorganism (other than those specified in section 2.1 for the product concerned) that has been added as a supplement to the specific starter culture.

Recommendation No. 32:
Remove the square brackets and reword the sentence as follows:
“Products obtained from fermented milk(s) heat treated after fermentation shall be named “Heat Treated Fermented Milk”. If the consumer would be misled by this name, the products shall be named as permitted by national legislation in the country of retail sale. In countries where no such legislation exists, the product shall be named “Heat Treated Fermented Milk”.

We will continue to send our comments on the remaining documents.

DENMARK

Denmark finds the new revision in a shape which could receive the necessary fine-tuning at the 5th Session so as to ensure its finalization and submission for adoption at Step 8.

We agree with most recommendations made and have only a few requests left.

UNITED KINGDOM

The fermented milk market in UK has grown enormously in recent years due to industry innovation in developing products that meet consumer demand. The category ‘culture-modified yogurt’ goes some way to reflecting what is on the UK market. However we believe the definition is too restrictive and would prefer it to be “*Streptococcus thermophilus* and other suitable bacteria”.

2.1 FERMENTED MILK

ARGENTINA

In the Spanish version, the term *“microorganismos adecuados” [suitable microorganisms] is not correct; we propose replacing it with “organismos específicos” [specific organisms],* as Argentina has previously suggested.

We support the recommendation to adopt the phrase “to the date of minimum durability”.

Culture-modified Yoghurt: we propose deleting the paragraph in square brackets and accepting the recommended definition.

CZECH REPUBLIC

Starter microorganisms shall be viable, active to the date of minimum durability.
This requirements is necessary to fulfil in Czech Republic for the whole range of fermented products.

ITALY

1) The term culture-modified has been used only in reference to yoghurt. Therefore, it should not appear as if it was a title for Yogurt, Acidophilus milk, Kefir or Kumys.
2) The Recommended definition given for culture-modified yoghurt is acceptable provided that the term "Culture-modified yoghurt" is specified also in the labelling.

JAPAN

Japan supports the establishment of a new category of culture-modified yoghurt and proposes that the specific micro-organism(s) that characterise Culture-modified Yoghurt should be determined through further discussion because there seems to be some more bacterial species that produce a milder taste or have new function.

POLAND

We accept the phrase “to the date of minimum durability”.

UNITED STATES

Paragraph 1, second sentence, from the three options included, the U.S. supports the recommendation to remove the brackets and revise the second sentence of as follows:

“These starter microorganisms shall be viable, active and abundant in the product to the date of minimum durability.”

2.2 CONCENTRATED FERMENTED MILK

ARGENTINA

We agree with the recommendation to retain the figure of 5.6% by removing the brackets.

2.3 FLAVOURED FERMENTED MILKS

ARGENTINA

In the Spanish version, we propose replacing the term *“Leches Fermentadas Aromatizadas”[Flavoured Fermented Milks]* with *“Leches Fermentadas Compuestas”[Composite Fermented Milks]* throughout the document.

In accordance with the survey previously conducted by Argentina and sent to the CCMMP, we suggest limiting non-dairy ingredients to 30%.

CZECH REPUBLIC

Flavoured fermented milks according this standard could contain max 50% w/w non-dairy ingredients.

According Czech legislation maximum of it is 30% m/m. We can agree to the new limit.

ITALY

The flavouring substances in composite fermented milks should be no more than 30%

Justification
The percentage of 70% must be the minimum limit of dairy products present in flavoured (composite) fermented milks in order to maintain their positive nutritional image. The ratio 70% yoghurt or fermented milk and 30% flavouring ingredients has already been consolidated for 50 years in this market. Yoghurt or fermented milk must be present in a predominant quantity compared to flavouring ingredients in order to guarantee the sufficient number of lactic acid bacteria, the amount of their enzymes and metabolites such as β-galactosidase, amino-acids, free-fatty acids and the beneficial effect for the consumer from the nutritional point of view.

Scientific arguments
The value of 50% of flavouring ingredients is too high for the following reasons:

The amount of milk proteins in plain yoghurt is 3.8 to 4.0%. By adding 50% fruit preparation, the milk protein content decreases to less than 2.8% (approx.2%). This level is too low as it does not comply with the essential compositional requirements for yoghurt and fermented milks, as in Codex Alimentarius Commission Document CX/MMP 98/9, Feb.1998).

Considering that fruit preparations usually contain 40 to 60% of fruit and 60 to 40% sugars, the total carbohydrate content in a composite fermented milk reaches sugar concentrations of over 19%. As a result, 50% of such ingredients in composite fermented milks has a detrimental influence on specific lactic acid bacteria for the following reasons:

- sugar concentrations of over 12% favour cell lysis by affecting the osmosis in the cells;
- some fruits (i.e. citrus fruits etc.) contain components which inhibit the growth of lactic acid bacteria, because of their bactericidal and bacteriostatic activity (i.e. limonene).
- the quantity of 30% of ingredients to be added to the yoghurt has been carefully fixed after extensive research to determine the limit for the quantity of sugar and fruit which does not inhibit the growth and survival of lactic acid bacteria.
- in 50% flavoured products a further reduction of the content of viable lactic acid bacteria occurs

Italy stresses its position in favour of 30% maximum for flavouring substances in composite fermented milks and <u>against</u> the retention of a 50% limit.

JAPAN

Japan has deep concern for the wording “a maximum of [30/50]% (w/w)” that restricts addition of non-dairy ingredients.

There are no limitations of non-diary product content in the definition of composite milk product of “Codex General Standard for the Use of Dairy Terms (GSUDT)”. The standard for fermented milk should be in accordance with GSUDT. Therefore it is regarded not appropriate to specify the maximum limit of non-dairy ingredients content.

POLAND

We accept a maximum of 30% (w/w) of non-dairy ingredients.

From a nutrition point of view the most important, especially for children and youth, in products such as fermented milks is the milk part.

UNITED KINGDOM

The UK does not believe that there is any justification for including a limit in Section 2.3 for a maximum level of non-dairy ingredients, and believe that the horizontal provisions of the General Standards should be followed.

We are examining whether the figures for minimum titratable acidity, and the maximum milkfat content, adequately reflect what is available on the market.

UNITED STATES

Paragraph one, sentence one, the U.S. supports the recommendation to remove the square brackets and that the maximum allowable non-dairy ingredients in flavored fermented milks are established at 50 % (w/w).

3.2 PERMITTED INGREDIENTS

CANADA

Canada does not support the restriction of gelatin and starches to heat treated fermented milks only. We recommend the deletion of the sentence "in fermented milks heat treated after fermentation only". Consequently, it is necessary that the Food Additive Table in Section 4 allow for the use of stabilizers and thickeners for plain and flavoured fermented milks.

Canada would like to reiterate its previous comment that starch and gelatin and stabilizers and thickeners should be allowed as permitted ingredients in plain products as well as composite ones. Starch and gelatin and stabilizers and thickeners provide greater stability to the product when shipped for longer distances or under more difficult transportation conditions. Adding this provision under "permitted ingredients" and under Additives would be consistent with other standards (example - Codex Group Standard for Unripened Cheese Including Fresh Cheese approved at the 2001 Codex Alimentarius Commission (CAC)) where gelatin and starch and stabilizers and thickeners are permitted in amounts functionally necessary as governed by Good Manufacturing Practices.

ITALY

There is an editorial mistake. The indents are not in the correct order and as such they are not clear. The paragraph related to gelatine and starches is the only one that refers to "Fermented milks heat treated after fermentation". The text should be modified as follows:

- *Starter cultures of harmless ….*
- *Sodium chloride;*
- *Non-dairy ingredients as listed….*
- *In fermented milks heat treated after fermentation only:*
- *Gelatine and starches: These substances ……*

NEW ZEALAND

New Zealand considers that gelatine and starches should be permitted in flavoured fermented milks, as they were in the previous version of the standard. They should also be permitted in plain fermented milks, under condition of GMP, to prevent wheying off.

JAPAN

Japan proposes that the use of gelatine and starches should be permitted not only for fermented milks heat treated after fermentation but also for flavoured fermented milks.

UNITED STATES

The U.S. recommends removing the 3rd bullet and rewrite section 3.2 as follows:

- Starter cultures of harmless micro-organisms including those specified in Section 2;
- Sodium chloride;
- Gelatine and Starches: These substances can be used in the same function as stabilizers, provided they are added in only amounts functionally necessary as governed by Good Manufacturing practice taking into account any use of stabilizers/thickeners listed in section 4. These substances may be added before or after adding flavorings.
- Non-dairy ingredients as listed in Section 2.3 (Flavored Fermented Milks).

INTERNATIONAL DAIRY FEDERATION

As a consequential development from the change suggested above to allow for the use of stabilizers and thickeners in Section 4, it is necessary for purposes of clarity and consistency to amend Section 3.2 to allow for the similar use of gelatines and starches for the same functional intent. As such, the third bullet point of Section 3.2 should be modified as follows:

3.2 Permitted Ingredients

- Starter cultures, etc.…(no change)
- Sodium chloride (no change)
- In flavoured fermented milks and fermented milks heat treated after fermentation:
  Gelatine and starches: These substances can be used in the same function as stabilizers and thickeners, provided they are added only in amounts functionally necessary as governed by Good Manufacturing Practice taking into account any use of stabilizers/thickeners list in Section 4. These substances may be added either before or after adding the flavourings.
- Non-dairy ingredients (no change)

3.3 COMPOSITION

ARGENTINA

Argentina agrees with deleting the text in square brackets and adopting the phrase *"to the date of minimum durability"*. We do not agree with the rest of the proposed text, and suggest replacing it with the following: *"the product shall comply with the microbiological criteria specified above until the date of minimum durability, having been stored according to the conditions specified in the labeling"*.

CZECH REPUBLIC

Microbiological requirement must be fulfilled to the date of minimum garranted durability.

ITALY

There are some inconsistencies between the table content and the fermented milk description (section 2.1).

First of all titratable acidity is mentioned in the table, but no indication about it is provided in previous chapters and in particular in the product description. Secondly when reporting an acidity of 0.6% for yogurt, the fact that the development of the two specific yogurt microorganisms produces a minimum acidity of 0.7% is not taken into consideration. Moreover to guarantee an abundant symbiotic development of both yogurt species an acidity of 0.7% is the minimum acidity required.

Finally, if the minimum number of *L. delbrueckii* subsp. *bulgaricus* (cfu/g) is not specified the necessary acidity of 0.7% for yogurt is technically required, in order to guarantee the defined fermentation. If not so, it is mandatory that a minimum number of this species be specified.

Having added this new category of fermented milk: culture-modified yogurt, the specification of the minimum number of *L. delbrueckii* subsp. *bulgaricus* in yogurt (that is 10^6) is even more mandatory, so as to

differentiate yogurt from this new category of fermented milks. Of course the same specification should apply to the lactobacilli contained in the new category of fermented milks. They should be present at least in amount of 10^6 cfu/g.

JAPAN

Japan proposes that the regulation of titrable acidity of fermented milk and culture-modified yoghurt should be min 0.3% because the use of various starter cultures including low level acidity starter cultures are accepted in these products.

POLAND

We support the requirements for microorganisms presented in the table, however the requirements in relation to sum of microorganisms constituting the starter culture defined in section 2.1 (cfu/g, in total) have to find reference to suitable methods of analyses. Till now only method for enumeration of characteristic microorganisms of yoghurt has been elaborated– (IDF Standard 117 B:1997 Yoghurt, Enumeration of characteristic microorganisms – Colony count technique at 37^{o}C; ISO/DIS 7889.2).

Moreover, we submit to include the requirements for Yoghurt in relation to Lactobacillus delbruecki subspecies bulgaricus in numbers 10^6. In consideration of health aspects the presence of this micro-organism is especially important. The Polish standard includes this requirement.

Relating to the recommendation under the table we accept the phrase: "to the date of minimum durability".

We wonder if the further part of the recommendation is necessary. In our opinion each product should have quality guarantee from the producer, while the producer should be controlled by independent institutions. Both the producer and the controller should be provided with suitable and the same method of analyses.

UNITED STATES

From the three options included in the "Draft Revised Standard for Fermented Milks", the U.S. supports the recommendation to remove the brackets and revise section 3.3 as follows:

"In Flavored Fermented Milks the above criteria apply only to the fermented milk part of the product. The microbiological criteria (based on the proportion of fermented milk product) are valid up to the date of minimum durability. This requirement does not apply to products heat-treated after fermentation."

4 FOOD ADDITIVES

ARGENTINA

The table of additives that appears in this document does not have any relation to the table presented, but not discussed, during the fourth session. Argentina therefore considers that the table in point 4 – FOOD ADDITIVES, of Appendix VII to Alinorm 01/11 should be discussed.

Argentina proposes the adoption of the following table:

Additive	Function	Maximum concentration in Final Product
Aroma/Flavouring agents	Aroma/Flavour	q.s
Carotenes, natural extracts INS 160 a (ii)	Colouring agent	50 mg/kg
Bixin, Norbixin, Urucu, Annato, Rocu INS 160 b	Colouring agent	9.5 mg/kg as norbixin
Beta carotene - synthetic, identical to natural INS 160 a (I)	Colouring agent	50 mg/kg

Carmine, Carminic acid, Cochineal INS 120	Colouring agent	100 mg/kg as carminic acid
Riboflavin INS 101(i) Riboflavin 5' Sodium Phosphate INS 101(ii)	Colouring agent	30 mg/kg
Beetroot Red INS 162 Caramel I Plain INS 150(a) Caramel II Caustic Sulphite Process INS 150(b)	Colouring agent	q.s.
Caramel III Ammonia Process INS 150(c) Caramel IV Sulphite Ammonia Process INS 150(d)	Colouring agent	500 mg/kg.
Chlorophyll INS 140 I	Colouring agent	q.s.
Curcumin INS 100	Colouring agent	80 mg/kg
Azorubine INS 122 Ponceau Scarlet 4R INS 124 Sunset Yellow INS 110 Patent Blue V INS 131 Indigotine, Indigo Carmine INS 132 Brilliant Blue FCF INS 133 Fast Green INS 143 Red 40, Allura Red AC INS 129 Cupric Chlorophyll INS 141 I Cupric Chlorophyllin INS 142 I	Colouring agent	50 mg/kg .
Sodium carboxymethylcellulose INS 466 Methylcellulose INS 461 Methylethylcellulose INS 465 Hydroxypropylcellulose INS 463 Carrageenan (includes Furcellaran and its sodium and potassium salts), Irish moss INS 407 Guar gum INS 412 Locust bean gum, Carob bean gum INS 410 Xanthan gum INS 415 Karaya gum INS 416 Arabic gum, Acacia INS 414 Tragacanth gum INS 413 Gellan gum INS 418 Konjac gum INS 425 Agar INS 406 Alginic acid INS 400 Ammonium alginate INS 403 Calcium alginate INS 404	Thickener/Stabilizer	5 g/kg alone or combined
Potassium alginate INS 402 Sodium alginate INS 401 Propylene glycol alginate INS 405 Powdered cellulose INS 460I		
Pectin and Pectin amid INS 440 Gelatin	Thickener/Stabilizer	10 g/kg alone or combined
Citric acid INS 330 Lactic acid INS 270 Malic acid INS 296	Sweetener	q.s.
Tartaric acid INS 334	Sweetener	5g/kg

Preservatives: We suggest deleting the function *"preservative"* because its use is not justified if the product is manufactured according to Good Manufacturing Practices.

CANADA

Canada supports the use of stabilizers, thickeners, and preservatives in flavoured fermented milks and the use of stabilizers and thickeners in plain fermented milks.

Canada would like to reiterate its previous comment that starch and gelatin and stabilizers and thickeners should be allowed as permitted ingredients in plain products as well as composite ones. Starch and gelatin

and stabilizers and thickeners provide greater stability to the product when shipped for longer distances or under more difficult transportation conditions. Adding this provision under "permitted ingredients" and under Additives would be consistent with other standards (example - Codex Group Standard for Unripened Cheese Including Fresh Cheese approved at the 2001 Codex Alimentarius Commission (CAC)) where gelatin and starch and stabilizers and thickeners are permitted in amounts functionally necessary as governed by Good Manufacturing Practices.

Stabilizers and thickeners in flavoured fermented milks also help to retain the properties of the product when non-dairy ingredients are added.

Preservatives are required in flavoured fermented milks with non-dairy ingredients to restrict the growth of yeasts and molds due to a lower pH and higher sugar levels.

Food Additives List
Canada supports the addition of INS No. 440, Pectin, to the list of stabilizers and thickeners.

CZECH REPUBLIC

The plain fermented products (including yoghurts) without any food additives and starches and gelatine according this standard. These additives and ingredients are allowed for the other fermented milk products, e.g. youghurt desserts and similar products. The demanded consistency could be reached with milk ingredients (milk powder, evaporated milk, milk protein products).

DENMARK

Page 17, section 4 – food additives, discussion
Under (i) several additives are mentioned as being technologically justified because of the choice of flavouring ingredients. A need for an additive in a flavouring ingredient does not necessitate the inclusion of that particular additive in the standard for a product, to which that particular flavouring ingredient is added.

First indent claims that there is a technological justification for adding colours to support the colour effect of the flavourings added. As there is no technological justification whatsoever for adding colouring agents to flavourings a statement to the effect that the addition of colours to support the colour effect of the flavourings added is technologically needed is unacceptable. This is a question of choice and choice only. The manufacturing industry has chosen to add colours to flavours. We must now choose whether we want to add colours – other than those carried over by the flavours – to fermented milk products.

Third indent mentions anti-caking agents and firming agents. These substances are needed in the flavouring ingredients only and should not be included in this milk standard.

It should be clearly stated that the additives should always be mentioned in the labelling of the product unless they have absolutely no function in the end product. As mentioned above there is no technological need for allowing colouring agents to flavourings, and there is every reason to discourage operators from mistakenly believing that it would be possible to sneak food additives with a function in the end product into the product without proper labelling.

Consequently the following additives should be deleted from the standard:

Page 24
Anti-caking agents.

Firming agents.

ITALY

1) The list of additives goes against the claimed health properties of fermented milks. Acceptance of the list as such makes fermented milks lose the qualification of a product of high value from the health point of view.
2) L, D and LD lactic acid and glucono delta lactone should be deleted from the list because their incorporation might create confusion on the evaluation of the fermentation parameters. Manufacturers might easily be induced to produce fermented milks mainly obtained with addition of these additives instead of the natural fermentation by starter cultures. This possibility should be prevented as it doesn't comply with the standard definition and misleads the consumer.
3) Fermented milks containing 1 or more of the additives listed in the standard, even though they are used in the quantities prescribed by GMP, could originate allergies in children. In this case, it would be advisable to state in the label that the product is "not recommended for children".

JAPAN

Japan proposes that the use of additive classes “Acids, Acidity regulators, Stabilizers, Thickeners, Preservatives, Packaging gases” should be permitted for flavoured fermented milks not heat treated after fermentation.

Japan proposes that the use of food additives listed below of which evaluation of JECFA has been completed should be permitted for flavoured fermented milks.

INS No	Food Additives
<Colours>	
120	Carmines
160a	Carotenes
160a(ii)	Natural extracts
163 (ii)	Grape Skin Extract
<Anticaking agents>	
900a	Polydimethylsiloxane
<Emulsifiers>	
491	Sorbitan monostearate
492	Sorbitan tristearate
493	Sorbitan monolaurate
494	Sorbitan monooleate
495	Sorbitan monopalmitate
472e	Diacetyltartaric and fatty acid esters of glycerol
472g	Succinylated monoglycerides
473	Sucrose esters of fatty acids
475	Poluglycerol esters of fatty acids
477	Propylene glycol esters of fatty acids
<Stabilizers and Thickeners>	
339	Sodium phosphate
340	Potassium phosphates
341	Calcium phosphates
405	Propylene glycol alginate

NEW ZEALAND

New Zealand supports the listing of categories of food additives and does not see a need to list individual additives when they are already listed in the GSFA. New Zealand suggests that thickeners and stabilisers should be permitted in the same way as gelatine and starches in Section 3.2.

POLAND

In accordance with Polish draft regulation:
- it is not permitted to use any food additives to plain fermented milk which are not heat treated after fermentation;
- 955 is not permitted to use to food;

- phosphorus compounds and 950; 951 are not allowed to the products obtained from fermented milk;
- to the products obtained from fermented milks is not permitted to use of the following colours mentioned in specification: 102; 104; 110; 123; 124; 127; 128; 129; 132; 133; 143; 151; 160b; 160e; 161g;
- to fermented milks is not permitted use of the following food additives: 297, 416; 200; 202; 211; 280;
- 1400; 1401; 1402 – do not belong to food additives, these are food ingredients;
- not only have modified starches mentioned in the specification but also the remaining are allowed to use in milk drinks.

UNITED STATES

The U.S. recommends that the standard provide for the use of the following classes of additives in all categories of fermented milks and fermented milks heat-treated after fermentation:

- Firming agents
- Stabilizers
- Thickeners

The U.S. would like to provide the following information for consideration by the Committee.

The U.S. notes that the following food colors require certification by the U.S. Food and Drug Administration. The use of non-certified colors in foods is a violation under U.S. law.

INS No.	Color	FD&C Certification No.
102	Tartrazine	FD& C Yellow No. 5
110	Sunset Yellow FCF	FD&C Yellow No. 6
127	Erythrosine	FD&C Red No. 3
129	Allura Red	FD&C Red No. 40
132	Indigotine	FD& C Blue No.2
133	Brilliant Blue FCF	FD&C Blue No. 1
143	Fast Green FCF	FD&C Green No. 3

The U.S. also notes that the following colors are unapproved for use in foods sold in the U.S. Foods containing these colors are deemed adulterated when sold in the U.S.

INS No.	Color
104	Quinoline Yellow
123	Amaranth
124	Ponceau 4R
128	Red 2G
151	Brilliant Black PN

In the U.S. the above colors are considered to have public health safety concerns.

The U.S. recommends that, once the Codex Committee on Food Additives and Contaminants have completed their work on the Codex General Standard for Food Additives (GSFA), the specific food additive information included in this standard be deleted and a reference made to the GSFA be added to provide additive specific information.

INTERNATIONAL DAIRY FEDERATION

Functional additives are necessary to achieve desired product characteristics in all flavoured fermented milks regardless of whether they have been heat treated after fermentation or not. This fact was previously recognized in the Proposed Draft Revised Standard accompanying CX/MMP 00/9 and has been inadvertently omitted in the present text. This error should be corrected.

In addition, firming agents are used in plain fermented milks heat treated after fermentation to assist with body development due to the additional heat treatment. As a result, firming agents should be included in the table in this category.

As a result of these necessary changes, the table should be revised as follows:

	Fermented milks		Fermented milks Heat Treated After Fermentation	
	Plain[1]	Flavoured[2]	Plain[3]	Flavoured[4]
Additive class				
Colours	-	×	-	×
Sweeteners	-	×	-	×
Anticaking agents	-	×	-	×
Firming agents	-	×	X	×
Emulsifiers	-	×	-	×
Flavour enhancers	-	×	-	×
Acids	-	X	×	×
Acidity regulators	-	X	×	×
Stabilizers	-	X	×	×
Thickeners	-	X	×	×
Preservatives	-	X	×	×
Packaging gases	-	X	×	×

X = the use of additives belonging to the class is technologically justified
- = the use of additives belonging to the class is not technologically justified

(No change to footnotes 1-4)

7.1.1

ARGENTINA

In the Spanish version, at the beginning and end of the second paragraph, we propose replacing *"yogur modificado por el cultivo"[yoghurt modifed by starter culture],* with *"yogur con cultivo modificado" [yoghurt with modified starter culture]*.

CANADA

Canada questions the applicability of requiring frozen yogourt to meet the requirements specified by this section. In Canada, frozen yogourt is a flavoured fermented product which is well established and traded internationally but which is compositionally different than fresh yogourt as well as the description of frozen yogourt in Section 7.1.1. Canada questions whether frozen yogourt is produced and traded with yogourt levels at or above [50%] as currently required by Section 2.3.

CZECH REPUBLIC

The translation of the name "mild yoghurt" in Czech would be confusing. According Czech legislation "yoghurt" always means the product with culture of Streptococcus thermophilus and Lactobacillus delbrueckii subsp. bulgaricus.

Products without these microorganisms are not allowed to be labelled "yoghurt" or "mild youghurt". They are other fermented products, labelled "fermented products" and can have special names, too.

ITALY

The sentence "*the chosen qualifier shall describe the nature of the change imparted to the yoghurt in a way that is accurate and not misleading to the consumer*, is contradictory because the concept of giving a general qualifier (with no specification of a suitable name) for this new category of fermented milk will surely give rise to all sort of misinterpretations, which will confuse the consumer.
This is a new category of fermented milk and this should be clear to the consumer. "Culture modified yoghurt", being a new category of fermented milk, cannot be designated by a generic word ("qualifier") in conjunction with the word "Yogurt". In fact, the word "yogurt + qualifier" or "qualifier + yogurt" falls within the category of traditional yogurts, such as, for instance, "low acid yogurt", etc. When referring to culture-modified yoghurt no generic term shall apply as a designation but only a technical term. Therefore the sentence "*the term culture-modified yoghurt shall not apply as a designation*", is not correct. **Actually this term (culture-modified yoghurt) should be VISIBLY indicated on the product label**.

As far as the term frozen is concerned Italy does not agree with its addition into this standard.

When referring to frozen yogurt, this product may be either ice milk acidogenes added or ice milk yogurt added. It does not need any active culture. Acidity is approx. 0.30%, pH 6.40-7.10 and the total solids are 30-34%. As frozen yogurt products do not require compliance with the yogurt standards, since there is no identity standard for such products, they lack consistency and do not have the characteristic properties of yogurt. As everything labelled "yogurt" must be yogurt with the characteristic properties of yogurt, thus this product cannot take the name "yogurt".

If frozen yogurt is nevertheless incorporated into the standard then it should be regulated according to the national legislation in the country where it is sold to the final consumer

NEW ZEALAND

New Zealand believes that this section is more restrictive than required by the GSLPF. The qualifiers are needed only if the consumer would be misled by their omission.

POLAND

In the 4th paragraph the requirement " reactivated in reasonable numbers by thawing" should be more precise.

UNITED KINGDOM

We are not convinced that UK consumers require a qualifier since the purpose of a qualifier is to describe the nature of the change from the 'standard' product. Most UK consumers are not familiar with the 'standard' product.

7.1.2

ARGENTINA

We agree with the recommendation to delete the text within square brackets and accept the proposed new text: "*If the consumer would be misled by this name, the products shall be named as permitted by national legislation in the country of retail sale. In countries where no such legislation exists, the product shall be named "Heat Treated Fermented Milk".*

DENMARK

We request that the phrase "as permitted by" is replaced by "as stated in".

The present wording will mean that all naming options are left open in the case that no legislation specific to fermented milks is established in a country (e.g. only general labelling rules). In such cases the name chosen may actually be misleading despite no legislation prohibiting its use.

Amending “as permitted by” into “as stated in” will imply that, where other names are to be used, they will be identified more cautiously and be subject to shared responsibility between government and stakeholders, since introduction of such names will follow normal patterns and procedures of developing national legislation, including consultations with all stakeholders, and, as a consequence, counteract unintended introduction of misleading practices.

ITALY

According to para. 7.1.1. of the Draft Standard A-11, products obtained from Fermented milk(s) heat-treated after fermentation shall be named "Heat-treated Fermented Milk"

The Italian Government would rather define this product as "Dessert" or with a similar fancy name, because the specific microorganisms used for the initial fermentation are no longer viable in the product.

Justification

Heat-treated fermented milks cannot have on their label any term which is applied to fermented milks containing viable lactic acid bacteria (LAB). In order to avoid misleading the consumer, such products shall be named by a particular word in accordance with section 4.1.2 of the General Standard for the Labelling of Pre-packaged Foods (GSLPF).

The term "heat-treated" usually gives the consumer a hygienic image of the product, while in case of fermented milks this treatment destroys LAB and inactivates their metabolites.

Fermented milks heat-treated after fermentation, besides being devoid of viable LAB, are produced and traded differently compared to fermented milks with viable microorganisms, because they

- have a different structure due to heat treatment;
- do not require cold chain distribution;
- have a different and longer shelf-life;
- have reduced industrial costs.

For the mentioned reasons, fermented milks heat-treated after fermentation represent a separate group among marketed dairy products, and, except for their acid taste, are totally different from the original product before heat-treatment.

Moreover, it is not ethical to use the name of a product (such as yoghurt or other defined fermented milk) which not only has a different microbial, chemical and biological composition but also different nutritional and health promoting properties.

UNITED KINGDOM

The proposed wording is not suitable as it is not clear whether the term ‘heat treated yogurt’ could be continued to be used for UK consumers, or for consumers in those countries where heat treated yogurts with a traditional usage of this name. This needs to be clarified.

We believe that the labelling of heat treated yogurts should follow the principle set in other standards where there are divergent views and that require labelling to be acceptable in the country of retail sale.

UNITED STATES

The U.S. supports the recommendation to remove the brackets in section 7.1.2. The paragraph would then read as follows:

"Products obtained from fermented milk (s) heat-treated after fermentation shall be named “Heat Treated Fermented Milk”. If the consumer would be misled by this name, the products shall be named as permitted

by national legislation in the country of retail sale. In countries where no such legislation exists, the product shall be named "Heat Treated Fermented Milk".

7.1.3

ARGENTINA

In the Spanish version, replace *"Leches Fermentadas Aromatizadas" [Flavoured Fermented Milks]* with *"Leches Fermentadas Compuestas" [Composite Flavoured Milks]*.

NEW ZEALAND
New Zealand believes this section should allow the use of the term "sweetened" rather than the name of the sweetening substance.

INTERNATIONAL DAIRY FEDERATION

In the interest of clarification regarding the use of sweeteners in plain fermented milks (and fermented milks heat treated after fermentation), Section 7.1.4 should be deleted and the following revision made to Section 7.1.3:
The designation of Flavoured Fermented Milks shall include the name of the principal flavouring substance(s) or flavour(s) added.

Fermented milks to which only nutritive carbohydrate or other sweeteners have been added may be labeled as "Sweetened _____",
the blank being replaced by the term "Fermented Milk" or another designation as specified in Section 7.1.1.

7.2 DECLARATION OF FAT CONTENT

CZECH REPUBLIC

Declaration of fat content is necessary.