

EUROPEAN COMMUNITY COMMENTS

41th CODEX COMMITTEE ON FOOD ADDITIVES

Shanghai, China, 16-20 March 2009

Agenda Item 4

Endorsement and/or Revision of maximum Levels for Food Additives and Processing Aids in Codex Standards

(Codex document CX/FA 09/41/4)

*Mixed Competence
European Community Vote*

The European Community and its Member States (ECMS) would like to make the following comments in relation to the sections on food additives of the Draft Standard for Jams, Jellies and Marmalades and Certain Canned Vegetables that have been referred to the CCFA for endorsement by the 24th session of the Codex Committee on processed fruits and vegetables (CCPFV).

General Remark

As a general remark, the ECMS would like to reiterate that Commodity Committees should evaluate the technological justification for the use of individual food additives, and list the additives that really achieve the desired effect in the respective food categories.

It is stated in the Section II (p 106) of the Procedural Manual of the Codex Alimentarius Commission dedicated to the Relations between Commodity Committees and General Committees that “All provisions in respect of food additives contained in commodity standards will require endorsement by the Codex Committee on Food Additives, on the basis of technological justification submitted by the commodity committees...”. The ECMS consider that insufficient technological justifications have been provided by the 24th session of CCPFV regarding the proposed list of food additives to be authorised in jams and processed vegetables.

Furthermore, as explained under the specific comments on the section concerning jam/jelly/marmalades, some of the Acidity regulators and Thickeners listed in Table 3, if they were added to jam, could mislead the consumer.

Therefore, the ECMS would like to express their strong reservation for inclusion by default into both draft Codex Standard for Jam, Jellies and Marmalades and draft Codex Standard for certain Canned Vegetables all food additives listed under the functional classes colours, acidity regulators, antifoaming agents, firming agents, preservatives, thickeners and assigned in the Table 3 of the Codex General Standard for Food Additives.

Instead, the ECMS are of the opinion that categories covering jam, jellies and marmalades but also certain canned vegetables should be added to the Annex to Table 3 of the GSFA as these

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categories of products are widely consumed and only need a very limited number of food additives from a technological point of view.

Therefore, the ECMS are of the opinion that any provisions related to food additives as proposed under both draft standards should be put on hold and further discussed in the next session of the 25th CCPFV.

Draft Codex Standard for Jams, Jellies and Marmalades

Extra jam/extra jelly

The ECMS regret that the report of the 24th session of the Codex Committee on processed fruit and vegetables did not retain specific criteria promoting a higher quality standard for extra jam and extra jelly. The ECMS still consider that the use of food additives in such products should be restricted.

The ECMS note that only a very limited number of food additives are permitted in such products in the EU, namely INS 440, INS 270, INS 296, INS 300, INS 327, INS 330, INS 331 (i, iii), INS 333, INS 334, INS 335 (i, ii), INS 350 (i, ii) and INS 471.

Colours

Colours should not be permitted in extra jam/extra jelly. The higher quantity of fruit that are contained in extra jam/extra jelly should suffice by itself to ensure the colouring properties of the product. The addition of colours should not serve any technological purpose and could even mislead the consumer by masking the bad quality of the raw material.

Preservatives

Preservatives should not be permitted in such products because there is no technological justification. The high concentration of fruit is sufficient to ensure the adequate preservation of the product.

Jam/jelly/marmalades

Colours

Due to their very low numerical ADIs, the ECMS express their strong reservation to use Riboflavin (ADI: 0.5 mg/kg) and Iron oxides (allocated ADI of 0.5 mg/kg by JECFA) in jam, jellies and marmalades.

The ECMS note that Allura Red (INS 129; ADI: 7 mg/kg) and Brilliant blue FCF (INS 133) are not authorised in jam, jellies and marmalades, according to the EU legislation.

In addition, the ECMS would like to note that fast green FCF is not currently permitted as food additive in the EU legislation.

Preservatives

Bearing in mind that the scope of the draft Codex Standard for jams, jellies and marmalades does not cover low sugar products, the ECMS are strongly opposed to authorise the use of

sorbates and benzoates as preservatives in jams, jellies, and marmalades because it is not technologically justified. The preservative action is adequately performed by the high concentration of sugar itself.

Acidity regulator

The ECMS are of the opinion that Fumaric acid (INS 297) which is assigned a low numerical ADI in EU should be restricted to a limited number of applications. The ECMS note that sodium Fumarate, while it is listed in Table 3, is not permitted in the EU legislation on food additives.

In addition, it should be kept in mind that the analytical calculation of percentage of fruit added in the jam may be undertaken through the dosage of potassium naturally present in the fruit. The ECMS would like to stress that the presence of potassium-based acidity regulators contained in the Table 3 of GSFA (e.g potassium lactate, potassium dihydrogen citrate, tripotassium citrate, potassium hydrogen malate) could artificially interfere with the dosage of potassium, leading to an artificial increase of the percentage of fruit contained in the final product. Consequently, the consumer could be misled. The ECMS are therefore of the opinion that these food additives should not be authorised in jam. For the same reason, the potassium tartrate (INS 336i) should not be authorised in jam.

Thickeners

The ECMS would welcome further clarification regarding the technological need for adding by default all thickeners listed in the Table 3 of GSFA in the Codex Standard for jam while most of these food additives are not necessary in these products. Many of these food additives are intended to be used in the preparation of low sugar products which are outside the scope of the Standard.

In addition, a number of thickeners listed in the Table 3 of GSFA, e.g. starch-based food additives, cellulose-based food additives and polydextrose may substantially contribute to increase artificially the soluble solids contents in jam. Therefore the ECMS are of the opinion that such food additives should not be authorised in jam and jellies on the ground that the consumers could be misled.

Draft Codex Standard for Certain Canned Vegetables

Colours

As a general principle, the ECMS do not support the inclusion of any colours listed in the table of section 4.2 in the canned vegetables standard because their use could mislead the consumer by masking the low quality of the raw material. As an exception, the ECMS support the use of INS 102 and INS 133 in processed mushy and garden peas¹ only.

In addition, bearing in mind that canned vegetables are basic foodstuffs that are highly consumed and that some of the proposed colours have been assigned low numerical ADIs, their use should also be restricted.

¹ Classified as "mature processed peas" in the draft Codex Standard for Certain Canned Vegetables.

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Finally, the ECMS would like to note that fast green FCF is not currently permitted as food additive in the EU legislation.

Colour retention agents

The ECMS would like to reiterate that due to the very low numerical ADI assigned to EDTA (ADI: 2.5 mg/kg), this food additive should be restricted, and not permitted as a general rule to all canned vegetables because of potential intake concern. However, the ECMS support the use of INS 385 only in canned and bottled pulses, legumes, mushrooms and artichokes. INS 512 (stannous chloride) should be limited to canned or bottled white asparagus only.

Codex Committee on Nutrition and Foods for Special Dietary Uses

The ECMS fully support the maximum level of 10 mg/kg proposed for gum arabic (INS 414) in ready-to-eat food.

The ECMS reiterate that there is no technological need for a higher level of the substance when related to the finished product.

The comments submitted by AIDGUM (International Association for the Development of Natural Gums) is confirming this position underlining that the higher level of 100 mg/kg of gum arabic is related to the use of this substance as a food ingredient (nutrient compound) rather than to the finished product and that the level of gum arabic in the finished product will be less than 10 mg/kg.