EC common position on Draft and Proposed Draft Revisions to Table 1 of the Codex General Standard for Food Additives at steps 8 and 5/8 respectively

(CL 2004/9-FAC, PART A, POINT 6)

The European Community would like to make the following comments on the Circular Letter.

Revision of Table 1 of the GSFA

The 36th Codex Committee on Food Additives and Contaminants has forwarded food additive provisions for final adoption by Codex Alimentarius Commission. The European Community made a reservation to the entry on the level of 600 mg/kg of benzoates (INS) in food category 14.1.4 “Water-based flavoured drinks, including “sport”, “energy” or “electrolyte” drinks and particulated drinks”.

The reservation is based on the following reasons:

Scientific justification:

Benzoic acid is a widely used antimicrobial agent in foods and it occurs naturally in cranberries, prunes, cinnamon and cloves. The undissociated acid is the form with antimicrobial activity, and it exhibits optimum activity in the pH range 2.5 – 4.0, making it well suited for use in acid foods, such as carbonated drinks. It is most active against yeasts and bacteria and least active against moulds. Often benzoic acid is used in combination with sorbic acid.

In the European Community the use level of 150 mg/kg of benzoates is permitted in water-based flavoured drinks in combination with 250 mg/kg of sorbates. Taking into account the processing and storage conditions that vary greatly between the EU Member States, these levels have been shown to be sufficient to obtain the preservation effect and an acceptable shelf life for product.

Intake of benzoates:

JECFA has allocated a group ADI of 0-5 mg/kg bw for benzoic acid, the benzoate salts (calcium, potassium and sodium), benzaldehyde, benzyl acetate, benzyl alcohol and benzyl benzoate, expressed as benzoic acid equivalents (evaluation in 1996, maintained in 2001).

Intake estimations performed in the Member States of the European Community have shown that, although the maximum levels of benzoates in foodstuffs in the European Community are much lower than the ones proposed in GSFA, the intake of benzoates by adults and children is very close to exceeding the ADI of 5 mg/kg bodyweight set for these substances.

Taking into account that beverages are often the major contributors to the intake of additives, the proposed level of 600 mg/kg is too high to ensure that the ADI would not be exceeded.

The adoption of such a level which would allow the ADI to be possibly exceeded would be in contradiction with the Preamble of the General Standard for Food Additives which states (chapter 1.4) that “the primary objective of establishing permitted levels of use of food additives in various food groups is to ensure that the intake of additives does not exceed the acceptable daily intake”.

In addition, it is stated in Chapter 3.1 b) of the same Preamble that “Where the food additive is to be used in foods eaten by special groups of consumers, account shall be taken of the probable daily intake of the food additive by consumers in those groups”. The EC is of the opinion that this principle should be taken into account in this particular case as children and young adults are probably the most exposed groups in line with their high consumption of drinks containing this additive.

Moreover and from a more general point of view, the EC would also point out that the adoption of this level would not be in line with the adopted Codex Principles stating that decisions should be based on Science.

Conclusion:

Taking into account the risk of exceeding the ADI of benzoates by permitting the use at high level (600 mg/kg) and that the sufficient preservation effect is achieved at lower use levels, the European Community does not support this entry.