

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

**CODEX COMMITTEE ON FOOD LABELLING
THIRTY-EIGHTH SESSION
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**ALIGNMENT OF THE GENERAL STANDARD FOR THE LABELLING OF
PREPACKAGED FOODS (CODEX STAN 1-1985) WITH THE CODEX
INTERNATIONAL NUMBERING SYSTEM IN CAC/GL 36-1989
(CL 2010/02-FL)**

GOVERNMENT COMMENTS

COMMENTS FROM:

**AUSTRALIA
BOLIVIA
BRAZIL
COSTA RICA
JAPAN
MEXICO
NORWAY
PERU
PHILIPPINE
UNITED STATES
INTERNATIONAL DAIRY FEDERATION (IDF)**

**ALIGNMENT OF THE GENERAL STANDARD FOR THE LABELLING OF
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(CL 2010/02-FL)**

GOVERNMENT COMMENTS

AUSTRALIA:

Australia wishes to provide the following comments with regard to CL 2010/2-FL:

General Comments

Australia supports the proposal to align the list of class titles for food additives in the General Standard for the Labelling of Packaged Foods (CODEX STAN 1-1985) with the list of functional classes in CAC/GL 36-1989.

Rationale for Australia's Position

Consistency within and between Codex texts is highly desirable and, in the case of labelling of food additives, the *General Standard for the Labelling of Prepackaged Foods* (CODEX/STAN 1) should follow the guidance from the CCFA, which has the relevant expertise, as set out in the *Codex Class Names and the International Numbering System for Food Additives* (CAC/GL 36: the INS).

Specific Comments

Australia's response to specific questions to be answered by the CCFL:

Question 1

Australia considers that the functional class "acids" should be deleted in the list of paragraph 4.2.3.3 of CODEX STAN 1-1985.

Question 2

Australia considers that "functional class" should be used in place of the term "class titles" and agree with the proposed amendment to paragraph 4.2.3.3 of CODEX STAN 1-1985 to reference the Codex INS.

Question 3

Australia considers that the new classes should be included in the list in paragraph 4.2.3.3 of CODEX STAN 1-1985, recognising that paragraph 4.2.3.3 allows national legislation to determine the extent to which the class names are required for labelling purposes. The *Australia New Zealand Food Standards Code* differs slightly from both current and prospective guidance in CODEX STAN 1-1985.

Question 4

Australia considers that Section 4.2.3.3 in CODEX STAN 1-1985 could reference the INS for definitions of functional classes. Alternatively, and ideally, Section 4.2.3.3, instead of having its own list, could simply refer to Section 2 – Table of Functional Classes, Definitions and

Technological Purposes of the INS. This would prevent the need for further updates to align with the INS should Section 2 be amended in the future.

BOLIVIA:

In response to the Circular Letter CL 2010/02-FL and regarding the proposal for Alignment of the *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985) with the Codex international numbering system (CAC/GL 36-1989), Bolivia approves the proposal made by the Secretariat, so that additives will no longer be listed within the CODEX STAN 1-1985, with only a reference to CAC/GL 36-1989 being made instead, thus simplifying the updating of CODEX documents.

BRAZIL:

The Brazilian Delegation thanks for the opportunity to present the following comments on CL 2010/02-FL.

(1) Should the functional class “acids” be deleted in the list in paragraph 4.2.3.3 of CODEX STAN 1-1985 (as additives from this class will now be included under acidity regulators)?

Brazil supports the deletion of “acids” from the list in paragraph 4.2.3.3 of CODEX STAN 1-1985, since it is included as technological purpose for the functional class “acidity regulator”.

(2) In paragraph 4.2.3.3 of CODEX STAN 1-1985 the term “class titles” is used. Should this be harmonized with the term “functional class” used in CAC/GL 36-1989? Should reference be made to the Codex International Numbering System (INS) so that the paragraph would read:

“4.2.3.3 For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following ~~class titles~~ functional classes shall be used together with the specific name or recognized numerical identification such as the Codex International Numbering System (CAC/GL 36-1989) as required by national legislation.”

Brazil agrees with the harmonization between the paragraph 4.2.3.3 and the CAC/GL 36-1989 regards to the term “functional class” and the reference to the INS System. However, we would like to make the following amendments:

4.2.3.3 For food additives falling in the respective ~~classes~~ functions and appearing in lists of food additives permitted for use in specific food categories (*) ~~foods generally~~, the following ~~class titles~~ functional classes shall be used together with the specific name and optionally (**) ~~or~~ recognized numerical identification such as the Codex International Numbering System (CAC/GL 36-1989) as required by national legislation.

(*) The GSFA lists food additives for food categories, not for foods in general (except the Table 3, which lists additives used under GMP conditions).

(**) We suggest that the declaration of functional classes and the name of the food additive should be mandatory in the list of ingredients. The name of the additive is clearer than the INS number to consumers and could facilitate the identification of allergenic substances. The INS number could be optional.

(3) What should be done concerning the new classes in CAC/GL 36-1989 (bleaching agent, carbonating agent, carrier, packaging gas and sequestrant)? Should they be included list in paragraph 4.2.3.3 of CODEX STAN 1-1985 and thus be subject to labelling?

Brazil supports the inclusion of the new functions in the list in paragraph 4.2.3.3. Substances approved as bleaching agent, carbonating agent, carrier, packaging gas and sequestrant for foods should be subject to the same labeling rules established for all additives.

(4) Keeping in mind that the terms are defined in CAC/GL 36-1989 (see annex 1), is there a need to improve the understandability of the terms in the list in 4.2.3.3 to ensure consumer information and fair trade practices? If yes, what should be done?

As the CAC/GL 36-1989 presents the definitions for all the 27 functional classes for food additives and there will be a reference for them in paragraph 4.2.3.3, Brazil considers that it is not needed to repeat them in the CODEX STAN 1-1985.

We suggest that the declaration of functional classes and the name of the food additive should be mandatory in the list of ingredients. The name of the additive is clearer than the INS number to consumers and could facilitate the identification of allergenic substances. The INS number could be optional.

COSTA RICA:

The following are the responses to the questions raised in the circular letter:

(1) Should the functional class “acids” be deleted in the list in paragraph 4.2.3.3 of CODEX STAN 1-1985 (as additives from this class will now be included under acidity regulators).

A/ Costa Rica supports this change as acidity regulators, by definition, include acids.

(2) In paragraph 4.2.3.3 of CODEX STAN 1-1985 the term “class titles” is used. Should this be harmonized with the term “functional class” used in CAC/GL 36-1989? Should reference be made to the Codex International Numbering System (INS) so that the paragraph would read:

“4.2.3.3 For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following, class titles after functional classes shall be used together with the specific name or recognized numerical identification such as the Codex International Numbering System (CAC/GL 36-1989) as required by national legislation”

A/ Costa Rica supports the previously quoted proposed change.

(3) What should be done concerning the new classes in CAC/GL 36-1989 (bleaching agent,

carbonating agent, carrier, packaging gas and sequestrant)? Should they be included list in paragraph 4.2.3.3 of CODEX STAN 1-1985 and thus be subject to labelling?

A/ Costa Rica supports the inclusion of these new classes under point 4.2.3.3 of the CODEX STAN 1-1985, as consistency is required with the functional classes of the CAC/GL 36-1989 guidelines.

(4) Keeping in mind that the terms are defined in CAC/GL 36-1989 (see annex 1), is there a need to improve the understandability of the terms in the list in 4.2.3.3 to ensure consumer information and fair trade practices? If yes, what should be done?

A/ Costa Rica considers that the information available in the CAC/GL 36-1989 (annex 1) is sufficiently complete for adequate information of the consumer and for fair trade practices.

JAPAN:

In response to CL2010/02-FL regarding functional class, Japan would like to submit comments as follows;

- (1) Japan agrees to delete the functional class “acids” in the list in paragraph 4.2.3.3 of CODEX STAN 1-1985.
- (2) Japan agrees to replace the term “class titles” with “functional classes” and to add a reference to INS in the paragraph 4.2.3.3. of CODEX STAN 1 (1985), and thus supports the amended text proposed by the secretariat.
- (3) Japan does not oppose to include new functional classes in the list.
However, if plain (normal) air is used as packaging gas to protect foods from physical damage (e.g. air-filled-plastic-bag of potato chips), we believe the use of plain air does not have to be labeled because it is obvious for consumers that the package is filled with air.
Therefore, Japan proposes to add following footnote.
“Indication of plain air as packaging gas is subject to national legislation”
- (4) Japan has a view that terms are adequate.

MEXICO:

Mexico submits its comments to the CL 2010/02-FL as requested:

- Mexico is in agreement that “acids” be eliminated form 4.2.3.3 of the General Standard
- Mexico is in agreement with the changes proposed to 4.2.3.3 of the General Standard; we are just waiting for the Spanish version of it to ensure the interpretation is the same.
- We agree that no further definition is required in relation to the list under 4.2.3.3 to ensure good trading practices.

NORWAY:

(1) Should the functional class “acids” be deleted in the list in paragraph 4.2.3.3 of CODEX STAN 1-1985 (as additives from this class will now be included under acidity regulators)?

Yes. The functional class “acids” should be deleted from the list as additives from this class now will be included under “acidity regulators” in CAC/GL 36-1989.

(2) In paragraph 4.2.3.3 of CODEX STAN 1-1985 the term “class titles” is used. Should this be harmonized with the term “functional class” used in CAC/GL 36-1989? Should reference be made to the Codex International Numbering System (INS) so that the paragraph would read: “4.2.3.3 For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following class titles functional classes shall be used together with the specific name or recognized numerical identification such as the Codex International Numbering System (CAC/GL 36-1989) as required by national legislation.”

The term “class title” should be replaced by the term “functional class”, and the reference should be made to the Codex International Numbering System (INS). It is important to use the same term throughout the whole Codex system, and a reference to the Codex International Numbering System (INS) will indicate the correlation between the two documents.

(3) What should be done concerning the new classes in CAC/GL 36-1989 (bleaching agent, carbonating agent, carrier, packaging gas and sequestrant)? Should they be included list in paragraph 4.2.3.3 of CODEX STAN 1-1985 and thus be subject to labelling?

Yes. They should be included in the list, and thus be subject to labelling. The same labelling requirements must apply for these new functional classes as for the already established functional classes.

(4) Keeping in mind that the terms are defined in CAC/GL 36-1989 (see annex 1), is there a need to improve the understandability of the terms in the list in 4.2.3.3 to ensure consumer information and fair trade practices? If yes, what should be done?

No. A reference can be made to CAC/GL 36-1989 if necessary. In CAC/GL 36-1989 the terms are described thoroughly. It is easier to make a reference to CAC/GL 36-1989 in case of amendments to the definitions, as this will reduce the number for amendments to CODEX STAN 1-1985.

PERU:

(1) Should the functional class “acids” be deleted in the list in paragraph 4.2.3.3 of CODEX STAN 1-1985 (as additives from this class will now be included under acidity regulators)?

No, it should not be deleted; adding acids not only refers to the “acidity regulator”/pH control technological function. Sometimes due to the added quantity it confers sensory characteristic properties. Our recommendation is that they should be joined as acids/acidity regulators class.

- (2) In paragraph 4.2.3.3 of CODEX STAN 1-1985 the term “class titles” is used. Should this be harmonized with the term “functional class” used in CAC/GL 36-1989? Should reference be made to the Codex International Numbering System (INS) so that the paragraph would read: “4.2.3.3 For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following ~~class titles~~ **functional classes** shall be used together with the specific name or recognized numerical identification **such as the Codex International Numbering System (CAC/GL 36-1989)** as required by national legislation.”

Yes it should be harmonized.

- (3) What should be done concerning the new classes in CAC/GL 36-1989 (bleaching agent, carbonating agent, carrier, packaging gas and sequestrant)? Should they be included list in paragraph 4.2.3.3 of CODEX STAN 1-1985 and thus be subject to labelling?

Yes, they should be included and only be subject to labelling if they can be detectable in the final product, if they work as an additive not as a technological aid.

- (4) Keeping in mind that the terms are defined in CAC/GL 36-1989 (see annex 1), is there a need to improve the understandability of the terms in the list in 4.2.3.3 to ensure consumer information and fair trade practices? If yes, what should be done?

The first functional class: 1. Acidity regulator should be called Acidity regulator/acid or improve the definition of this functional class, including the sensorial acid property.

PHILIPPINE:

Background - Discussion at CCFL371 and CAC32

CAC31 had adopted a revision of the Codex Class Names and International Numbering System including a revised list of technological functions in section 2 (see annex 1) which was different from the technological functions listed in the *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985) (see annex 2).

The two texts had previously been aligned. At CCFL37 the Secretariat presented a proposal of the changes necessary to align the list in the General Standard:

- deleting the class “acids” (included in class “acidity regulators”)
- adding new classes: bleaching agent, carbonating agent, carrier, packaging gas and sequestrant

Request of CAC32 to the CCFL

Following discussions, CAC32 agreed to request the Committee on Food Labelling to revise the list of class titles in Section 4 of the *General Standard* in the light of the revised list of functional classes in Section 2 of the Guidelines to harmonize the terms to the extent possible to fit the purposes of the *General Standard* and to consider the matter of understandability of the terms applied to functional classes/class titles to ensure consumer information and fair trade practices.

Questions to be answered by the CCFL

Keeping in mind the request from the Commission:

(1) Should the functional class “acids” be deleted in the list in paragraph 4.2.3.3 of CODEX STAN 1-1985 (as additives from this class will now be included under acidity regulators)?

Answer: The Philippines does not object to the deletion of “Acids” in the list in paragraph 4.2.3.3. of CODEX STAN 1-1985 as additives from this class will be covered under acidity regulators. We agree that provision 4.2.3.3 be modified to harmonize with “functional class (es)” used in CAC/GL 36-1989.

(2) In paragraph 4.2.3.3 of CODEX STAN 1-1985 the term “class titles” is used. Should this be harmonized with the term “functional class” used in CAC/GL 36-1989? Should reference be made to the Codex International Numbering System (INS) so that the paragraph would read: “4.2.3.3 For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following ~~class titles~~ **functional classes** shall be used together with the specific name or recognized numerical identification **such as the Codex International Numbering System (CAC/GL 36-1989)** as required by national legislation.”

Answer: Yes, we agree to the proposed revision in paragraph 4.2.3.3 of CODEX STAN 1-1985. This will simplify the labelling implementation by having only one reference for naming food additives. This will also allow consumers to see consistent names of food additives on labels.

(3) What should be done concerning the new classes in CAC/GL 36-1989 (bleaching agent, carbonating agent, carrier, packaging gas and sequestrant)? Should they be included list in paragraph 4.2.3.3 of CODEX STAN 1-1985 and thus be subject to labelling?

Answer: Yes, they can be included in the list in paragraph 4.2.3.3 of CODEX STAN 1-1985. However, the 4.2.4 provision of the Codex Stan-1985 pertaining to processing aids and carry-over of food additives shall apply if they fall under this definition thus exempted from declaration in the list of ingredients.

(4) Keeping in mind that the terms are defined in CAC/GL 36-1989 (see annex 1), is there a need to improve the understandability of the terms in the list in 4.2.3.3 to ensure consumer information and fair trade practices? If yes, what should be done?

Answer: The definition of the terms in CAC/GL 36-1989 is already well defined and comprehensible. What is needed is Education on Labeling of Food Additives and this should be initiated by key professional / consumer organizations at National level to facilitate further understanding and ensure consumer information.

UNITED STATES:

The United States welcomes the opportunity to respond to CL 2010/02-FL regarding aligning class titles for food additives in the *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985) with the list of functional classes in CAC/GL 36-1989.

The United States supports updating the list of class titles in section 4.2.3.3 of the *General Standard for the Labelling of Prepackaged Foods* (GLSPF) to reflect the revised functional classes in section 2 of CAC/GL 36-1989. The U.S. notes that class titles listed in 4.2.3.3 make specific reference to “lists of food additives,” and it would be appropriate to update the list in 4.2.3.3 to be consistent with the revised list of permitted food additives and their respective functional class names in section 2 of CAC/GL 36-1989, which was adopted by the CAC.

Accordingly, we support the deletion of “acids” from section 4.2.3.3 of the GLSPF because additives from this class will now be included under “acidity regulator.” In addition, we support the inclusion of new functional classes “bleaching agent,” “carbonating agent,” “carrier,” “packaging gas,” and “sequestrant” in section 4.2.3.3 of the GLSPF.

We also support the revisions to section 4.2.3.3 that are proposed in Question 2 of CL 2010/02-FL. In addition, in the interest of simplicity and to allow CCFL to avoid updating section 4.2.3.3 each time the functional classes listed in CAC/GL 36-1989 are revised, CCFL may consider simply citing CAC/GL 36-1989 as a reference rather than listing each of the functional class names in section 4.2.3.3. Under this proposal, the list of class titles would be deleted and section 4.2.3.3 of the GLSPF would read in its entirety:

“For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the ~~following class titles~~ **functional classes identified in CAC/GL 36-1989** shall be used together with the specific name or recognized numerical identification **such as the Codex International Numbering System (CAC/GL 36-1989)**, as required by national legislation.”

INTERNATIONAL DAIRY FEDERATION (IDF):

In response to **Circular Letter CL 2010/02-FL** as regards the questions to be answered by the CCFL on aligning class titles for food additives in the General Standard for the labelling of prepackaged foods (CODEX STAN 1-1985) with the list of functional classes in CAC/GL 36-1989, keeping in mind the request from the Codex Alimentarius Commission, the International Dairy Federation (IDF) proposes that

- 1) The functional class “acids” should be deleted in the list in paragraph 4.2.3.3 of CODEX STAN 1-1985, as additives from this class will now be included under “acidity regulator”.
- 2) The proposed amended wording for paragraph 4.2.3.3 of CODEX STAN 1-1985 as proposed in **CL 2010/02-FL** ~~CL 2010/02-FL~~ be adopted:
“4.2.3.3 For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following **functional classes** shall be used together with the specific name or recognized numerical identification **such as the Codex International Numbering System (CAC/GL 36-1989)** as required by national legislation.”
- 3) With regards to the new classes in CAC/GL 36-1989 IDF would propose that bleaching agent, carbonating agent and sequestrant be included in the list in paragraph 4.2.3.3. of CODEX STAN 1-1985 and thus be subject to labelling.
However, we propose that **carrier and packaging gas should not** be included on the

following basis:

a) Carrier:

A carrier is defined in CAC/GL36-1989, as a food additive “used to dissolve, dilute, disperse or otherwise physically modify a food additive or nutrient without altering its function (and without exerting any technological effect itself) in order to facilitate the handling, application or use of the food additive or nutrient.”

This would appear to comply with the provisions addressing processing aids and carry-over of food additives in the CODEX STAN 1-1985 Section 4.2.4.2., which are exempted from declaration in the list of ingredients, to which the additive functional classes listed in Section 4.2.3.3. apply. Of course if any carrier is a known allergen as listed in Section 4.2.1.4., it would have to be labelled, though for this very reason it is unlikely that such a food additive would be approved as a carrier.

b) Packaging Gas:

A packaging gas is defined in CAC/GL36-1989, as a food additive gas, which is introduced into a container before, during or after filling with food with the intention to protect the food, for example, from oxidation or spoilage.

Thus when the container is opened, this gas is dispersed and is not an integral part of the food as consumed. If any of the gas is absorbed or remains at the food surface, it will no longer serve a technological purpose and will comply with the provisions addressing processing aids and carry-over of food additives in the CODEX STAN 1-1985 Section 4.2.4.2. which are not required to be declared in the list of ingredients. Of course if any packaging gas is a known allergen as listed in Section 4.2.1.4, it would have to be labelled, although there are no examples that can be cited regarding packaging gases being allergenic.

- 4) IDF considers that consumer information and fair trade practices are adequately ensured and does not see a need to improve the understandability of the terms in the list in 4.2.3.3.