

18/11/2021

**CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL  
DIETARY USES**

**42<sup>nd</sup> Session**

**Virtual, 19 – 24 November and 1 December 2021**

**European Union Comments on**

**Agenda item 4a**

**Review of the Standard for Follow-Up Formula (CODEX STAN 156-1987)**

**Proposed draft revised standard for follow up formula for older infants and  
drink/product for young children with added nutrients or drink for young children:  
remaining sections (at Step 4)**

**(CX/NFSDU 19/41/5)**

*European Union Competence  
European Union Vote*

This document provides specific comments on each recommendation made by the eWG Chairs in document CX/NFSDU 19/41/5.

**Recommendation 3 (Purity requirements)**

The EU agrees with the proposal to retain the provisions relating to purity requirements of the current Follow-up Formula Standard for both follow-up formula for older infants and for [name of product] for young children.

**Recommendation 4 (Vitamin Compounds and Mineral Salts)**

The EU in general agrees with the proposed approach to retain provisions 3.4.2.1 and 3.4.2.2 of the current Follow-up Formula Standard for follow-up formula for older infants.

However, when it comes to the exact wording, the EU kindly notes that Sections 3.3.1 and 3.3.2 would need to be renumbered in the provision in accordance with the final structure of the revised Standard and that the provision could reference the title of CXG 10-1979 (i.e. *Advisory Lists of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Infants and Young Children*) as is the case in the Standard for Canned Baby Foods and in the Standard for Processed Cereal based Foods for Infants and Young children.

In terms of [name of product] for young children, in addition to the comments made above, the EU supports the proposal to retain only provision 3.4.2.1 of the current Follow-up Formula Standard considering that a maximum level for sodium has not been set for such products and therefore provision 3.4.2.2 is not relevant.

#### **Recommendation 5 (Consistency and Particle Size)**

The EU in general agrees with the recommendation to retain provision 3.5 in the current Follow-up Formula Standard relating to consistency and particle size for both follow-up formula for older infants and for [name of product] for young children.

However, in order to be in line with the wording used in the more recently revised Infant Formula Standard the EU would suggest a small change to the proposed texts as follows:

When prepared according to the directions of use, the product shall be free of lumps and of large, coarse particles and suitable for adequate feeding of older infants.

When prepared according to the directions of use, the product shall be free of lumps and of large, coarse particles and suitable for adequate feeding of young children.

#### **Recommendation 6 (Specific prohibitions)**

The EU agrees with the Chairs` recommendation.

#### **Recommendation 7 (Food additives – permissions for food additives)**

The EU agrees with the recommendation to retain the current permissions for food additives (excluding flavourings) in the current Follow-up Formula Standard for both follow-up formula for older infants and [name of product] for young children.

#### **Recommendation 8 (Food additives-administrative changes)**

The EU supports Recommendation 8a, i.e. the administrative changes i – iii, and the alignment of the names of food additives in the current Follow-up Formula Standard with those in the GSFA.

As regards Recommendation 8b, the EU notes that “Packaging gases” is a functional class recognized both at the EU and Codex level. Therefore, and also in line with the IF Standard, the functional class “Packaging gases”, together with the provisions for INS 290 carbon dioxide and INS 941 nitrogen, should be included in the Food Additive section as per the approach taken in the Infant Formula Standard.. The EU is of the view that “Packaging gases” shall not be retained in Section 7 (Packaging).

#### **Recommendation 9 (Carry-over of food additives)**

In line with the endorsed principle that foods intended for infants and/or young children shall be prepared without food additives whenever possible, the EU supports option 2, i.e. the adoption of the text from the Infant Formula Standard and Standard for Processed Cereal-based Foods for Infants and Young Children for both follow-up formula for older infants and [name of product] for young children. This would reflect Section 4.3 of the GSFA wherein

follow-up formulae is listed among the foods for which the carry-over of food additives is not acceptable.

Option 1 is not preferred as the reference to the whole Section 4 of the Preamble to the GSFA includes Section 4.1 and Section 4.3 that are mutually exclusive. A reference to Section 4.3 could be considered after the alignment has been finalized (as it refers to additive provisions listed in Tables 1 and 2 of the GSFA).

#### **Recommendation 10 (Flavourings)**

The EU welcomes the Chair's recommendation to include the JECFA numbers in addition to the name of the flavouring substance in the standard. This inclusion should help in better identifying and characterising the flavouring substances in the standard. The JECFA numbers for flavouring substances are essentially equivalent to the INS numbers for food additives and indicate that there are JECFA evaluations and specifications for them. The EU can also accept the inclusion of a reference to the Guidelines for the Use of Flavourings (CXG 66-2008) in accordance with the Codex Procedural Manual.

However, the EU notes that infants and young children is a particularly vulnerable population group with regard to taste, as during the early life period taste preferences are formed, that can determine dietary preferences throughout life. Such taste preferences can lead to preferences for certain foods that are not in line with dietary recommendations, which in turn increases the risk for (early) development of (childhood) overweight and obesity and related non-communicable diseases. Globally, the EU is among the regions with the highest rates of childhood obesity. Taste preferences can be set by recurring exposure to certain foods and flavours. The EU is therefore concerned that allowing flavourings to be added to follow-up formula for older infants and to [name of the product] for young children could negatively influence the normal development of taste preferences that are established when infants and young children are provided with an appropriate, recommended diet. Follow-up formula for older infants and [name of the product] for young children are products that are typically consumed very frequently, normally on a daily bases. Given this very frequent exposure, it is very likely that those food categories strongly influence the development of taste preferences later in life. The EU currently does not have specific provisions for flavourings intended for infants and young children. Taking into account the rationale above, the EU could support the Chair's proposal provided a footnote that would allow to restrict or prohibit the use of the flavourings listed under sections 4.5 is added to those provisions.

The proposed texts read as follows:

**a) Follow-up formula for older infants:**

That CCNFSDU agree to the following text for follow-up formula for older infants:

**4.5 Flavourings [ <sup>1)</sup> ]**

Natural Fruit Extracts: GMP

Vanilla extract: GMP

Ethyl vanillin [(JECFA no. 893)]: 5 mg/100 ml

Vanillin [(JECFA no. 889)]: 5 mg/ 100 ml

**[The flavourings used in products covered by this standard should comply with the Guidelines for the Use of Flavourings (CXG 66-2008)]**

**[<sup>1)</sup> For use as flavourings in follow-up formula for older infants where such addition is allowed for]**

**b) [name of product] for young children**

That CCNFSDU agree to the following text for follow-up formula for older infants:

**4.5 Flavourings [ <sup>1)</sup>]**

Natural Fruit Extracts: GMP

Vanilla extract: GMP

Ethyl vanillin [(JECFA no. 893)]: 5 mg/100 ml

Vanillin [(JECFA no. 889)]: 5 mg/ 100 ml

**[The flavourings used in products covered by this standard should comply with the Guidelines for the Use of Flavourings (CXG 66-2008)]**

**[<sup>1)</sup> For use as flavourings in drink/product for young children with added nutrients or drink for young children, where such addition is allowed for]**

**Recommendation 11 (Contaminants)**

The EU agrees with the Chairs` recommendation to adopt the “Contaminant” provision of the more recently revised Infant Formula Standard for both follow-up formula for older infants and [name of product] for young children.

**Recommendation 12 (Hygiene)**

The EU agrees with the Chairs` recommendation to adopt the “Hygiene” provisions within the Infant Formula Standard for both follow-up formula for older infants and [name of product] for young children.

As regards the proposal to reference two additional Codex documents (Codex Code of Hygienic Practice for Aseptically Processed and Packaged Low-acid Foods (CXC 40-1993) and the Codex Code of Hygienic Practice for Low and Acidified Low-acid Canned Foods (CXC 23-1979)), the EU notes that follow-up formulae are mainly marketed in powder form on the EU market, but there are products available in ready-to-drink form too. Such products can be considered as canned ready-to-feed follow-up formula based on the CODEX definition of canned foods i.e. “*commercially sterile food in hermetically sealed containers*”. Therefore, in case the Committee prefers to reference the two additional texts, the EU can accept it.

**Recommendation 13 (Packaging)**

The EU agrees with the recommendation to adopt the packaging provisions in the current Follow-up Formula Standard for both follow-up formula for older infants and [name of product] for young children.

As noted under Recommendation 8b the EU considers that “Packaging gases” should be included in the Food Additive section and listed under the appropriate functional class. Thus, the EU does not support retaining Packaging gases in Section 7 (Packaging).

However, if, in addition to their inclusion in the Food Additive section, there is a strong preference to retain Packaging gases (i.e. nitrogen and carbon dioxide) in Section 7, the EU could accept it, provided a reference to the Food Additives section is made in the last sentence of Section 7.1 as follows:

“...; nitrogen and carbon dioxide may be used as a packing media, i.e. as food additives (packaging gases), in line with Section 4 of this standard.”

**Recommendation 14 (Fill of containers)**

The EU agrees with the recommendation to adopt the “fill of containers” provisions in the current Follow-up Formula Standard for both follow-up formula for older infants and [name of product] for young children. The also agrees with the revised level of 5 oz.

**Recommendation 15 (Method of analysis and sampling)**

The EU agrees with the recommendation to adopt the “Method of analysis and sampling” provisions in the current Follow-up Formula Standard for both follow-up formula for older infants and [name of product] for young children.