



Chocolate Manufacturers Association • National Confectioners Association

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August 29, 2000

Mr. Charles W. Cooper  
Director, International Activities Staff  
Center for Food Safety and Applied Nutrition  
Food and Drug Administration  
HFS-585, 200 C Street, S.W.  
Washington, DC 20204

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Raymond C. Glowaky

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Dear Mr. Cooper,

In preparation for the August 31 meeting, I am pleased to enclose the Chocolate Manufacturers Association's suggested topics for discussion.

Please note that individual member companies of CMA will also respond separately to you. The topics of 1) vegetable fats, 2) edible foodstuffs, 3) sweeteners, 4) bulking agents and 5) milk solids are not discussed here, but will be addressed in the individual member company responses.

We have reviewed the Codex Draft Proposal (ALINORM 99/14 Appendices II-V) and submit the following recommendations:

**Cocoa Butters (ALINORM 99/14, Appendix II):**

**3.1 Processing Aid**

We suggest the word "hexane" should be replaced with "safe and suitable extraction solvents."

**Cocoa (Cocoa) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake for use in the manufacture of Cocoa and Chocolate products (ALINORM 99/14, Appendix III):**

**3.1 Cocoa Mass (Cocoa/Chocolate Liquor), Cocoa Cake**

The proposed draft for cocoa shell and germ content reads "not more than 5% m/m calculated on fat-free dry matter." To assure a high quality/safe product, the U.S. maintains a specification of 1.75% maximum on shell content in nibs and the resultant chocolate liquor.

**Cocoa Powders (Cocoas) and Dry Cocoa-Sugar Mixtures (ALINORM 99/14, Appendix IV):**

### **3.1.1 Cocoa Powder or Cocoa**

It is suggested that the specification for cocoa butter be changed from "not less than [20%] m/m" to "not less than 10% m/m."

It is suggested that the specification for moisture content be changed from [7%] to 5% maximum, due to the potential risk of microbiological contamination at moisture levels above 5%.

### **3.1.2 Fat-reduced Cocoa Powder or Fat-reduced Cocoa**

It is suggested that the cocoa butter specification should be changed from "less than [20%] to "less than 10%." We also would like to note that Codex's use of the term "fat-reduced" is not consistent with NLEA definitions.

As in 3.1.1 above, the moisture specification should be changed to [5%] maximum.

### **[3.1.3 Chocolate Powder]**

The term "chocolate powder" should not be permitted as defined because the mixture will not contain the minimum 18% cocoa butter or 35% total cocoa solids required in the Chocolate Standard found in Appendix V.

## **Chocolate and Chocolate Products (ALINORM 99/14, Appendix V)**

### **2.1 Chocolate Types**

In the interest of simplifying the standards and maintaining international consistency, we believe the chocolate standards should define four basic chocolate product categories:

- 1) unsweetened chocolate
- 2) sweet plain chocolate
- 3) milk chocolate
- 4) cocoa butter confectionery/white chocolate.

The level of total milk solids in milk chocolate should be a minimum of 12% as opposed to the current Codex proposal of 14%.

#### **2.1.2 Unsweetened Chocolate**

The definition of unsweetened chocolate in 2.1.2 and the composition in the Table should be made consistent by deleting reference to 14% for fat-free cocoa solids.

#### **[2.1.4 Couverture Chocolate]**

This standard is an unnecessary category.

#### **2.1.5.1 Milk Chocolate**

The 14% minimum for total milk solids should be reduced to 12% in line with current U.S. Standards.

#### **[2.1.5.2 Milk Chocolate with High Milk Content]**

We suggest that this category or any related to "family milk chocolate" requiring a separate milk solids level is unnecessary.

#### **[2.1.5.3 Milk Couverture Chocolate]**

This standard is an unnecessary category.

### **2.1.8 Cocoa Butter Confectionery/White Chocolate**

The milk fat requirement is suggested to be 3.5% minimum, consistent with the Table.

### **3.2 Emulsifiers**

A suitable definition of emulsifiers is proposed as: "Emulsifiers include all ingredients of this type in the list below and those recognized now and in the future by the Joint Expert Committee of Food Additives (JECFA) as safe and suitable and used as a maximum of 15 g/kg singly or in combination."

### **3.3 Flavoring Agents**

A definition of "Flavoring Agents" is proposed: "Flavors should include: a) salt, spices, natural and artificial flavorings and ground whole nut meats, ground coffee, dried malted cereal, and other seasonings, and b) natural flavors as defined in the Codex Alimentarius, and their synthetic equivalents, that do not either singly or in combination impart a flavor that imitates the flavor of chocolate, milk, or butter, used at GMP levels." Alternatively, if the above definition is not acceptable, then salt and spices should be added as 3.3.4 (salt), 3.3.5 (spices) – used at GMP levels.

### **[3.6 Antioxidants]**

We feel that this section should come out of brackets. We agree that the use of antioxidants should be permitted only in products defined by Cocoa Butter Confectionery/White Chocolate (section 2.1.8). Antioxidants should include all ingredients of this type in the list and those recognized now and in the future by the Joint Expert Committee of Food Additives (JECFA) as safe and suitable and can be used at permitted levels. In addition, the antioxidants now listed under section 3.6 need maximum limits defined in terms of mg/kg of fat.

The following antioxidants should be added to section 3.6:

Mixed Tocopherols: GMP levels or 500 mg/kg of fat

Citric Acid: GMP levels or 100 mg/kg of fat

Ascorbic Acid: GMP levels or 500 mg/kg of fat

### **4. Contaminants**

We recommend that the section on "Contaminants" be reviewed by other relevant committees within Codex.

### **6. Labelling**

We recommend that this section be simplified significantly, based on previous comments.

#### **6.1.5 A chocolate**

We suggest dropping this description as it is confusing.

#### **[6.1.8 Use of the Term Chocolate]**

We recommend taking this section out of brackets. We point out that the intent of this section is consistent with FDA's long standing position for foods that do not resemble standardized chocolate products. However, we suggest changing the wording as

follows: "Products not defined under this Standard, and where the *chocolate* taste is derived *solely* from non-fat cocoa solids..."

#### **6.2 Declaration of Minimum Cocoa Content**

We suggest that this be deleted. If it is not deleted, language should be clarified to read: "In those countries where the government has not established a required declaration provision, this declaration is optional."

#### **6.3 Net Contents**

We recommend this be deleted because it is covered by other Codex weight and label standards. If it is not, however, we suggest that the exemption be reduced significantly, i.e., from 50 grams to 15 grams.

#### **7. Methods of Analysis**

This should be considered within the appropriate committee within Codex.

If you have any questions regarding these comments, please contact me at the CMA office. I look forward to our discussions with you August 31<sup>st</sup>.

Sincerely,



Raymond C. Glowaky, Ph.D.