



Sept. 12, 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 SW
Washington, DC 20204

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Edward S. Seguire

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Re: Codex-Proposed Standards for Cocoa and Chocolate Products

Dear Mr. Cooper:

Guittard Chocolate Company would like to take this opportunity to provide comments on the most recent draft Codex standards for Cocoa and Chocolate Products (ALINORM 99/14, Appendices II, III, IV and V). I would like to ask that Mr. Gary Guittard, President of Guittard Chocolate Company, be included on the participant list for this year's meeting of the Codex Committee on Cocoa Products and Chocolate as part of the U.S. Delegation. I believe you know him well as he attended the last Codex discussions. As the fourth generation Guittard to be personally involved in the daily business from producing country farmers and bean supply to our own customers, he is well qualified to represent the interests of all stakeholders in the Codex discussions.

Guittard Chocolate Company is the oldest, family owned chocolate manufacturer in the United States. We have been producing fine chocolate since 1868 when Etienne Guittard started the company. Throughout the years, we have used the finest cacao ingredients and processed them in the superb, traditional French tradition. When chocolate standards were introduced, we enthusiastically supported them as standards that protected the tradition and integrity of chocolate and, over the years, built an expectation throughout the consuming public of purity as well as insured the economic success of the cocoa growing countries and the viability of this unique, historically sustainable tropical crop.

Overall we are in support of the comments filed by the Chocolate Manufacturers Association. We do want to provide comments in two additional areas:

1. Comments on Draft Standards for Chocolate and Chocolate Products (Appendix V).
 - a. Vegetable Fats – Guittard remains strongly opposed to the addition of non-cacao vegetable fats in any quantity to standardized chocolate products as currently proposed in brackets in Section 2.1. Such an addition flies in the fact of tradition and the expectation of consumers. If

Codex insists on the addition of vegetable fats other than cocoa butter to chocolate, then the front label of such a product should be required to clearly and conspicuously distinguish such product from standardized chocolate, similar to the approach taken in the current U.S. Standards (Sweet Chocolate and Vegetable Fat Coating; Milk Chocolate and Vegetable Fat Coating). We also believe that Section 2.1 of the proposed standard needs to be further clarified with respect to the definition of edible foodstuffs. The first paragraph of Section 2.1 (currently not bracketed) would suggest that it is permissible to add vegetable fats to chocolate in amounts up to 40% of the total weight of the finished product. The bracketed language would serve only to limit vegetable fat addition to 5%. We believe that this is an inadvertent error and that brackets should also be included around the last two sentences of the first paragraph of Section 2.1.

An additional problem which we see in the proposal to include vegetable fats has to do with the downward market pressure for the value of the cocoa crop grown in the producing countries—all of which are classified as developing countries. We believe this is significant as cocoa is a long term, sustainable agricultural crop which can and does serve as a “backbone” of a small farmer’s activities. It is a low economic input, cash crop which the farmer can count on from year-to-year if properly handled. We believe that the inclusion of the vegetable fat reduces the demand for cocoa butter—the naturally occurring fat in cocoa.

- b. Other Edible Foodstuffs – Guittard strongly opposes the addition of “Other Edible Foodstuffs” to standardized chocolate products as is currently proposed in Sections 2.1 and 6.1.2, unless “edible foodstuffs” are limited to inclusions (e.g. nuts, rice, dried fruit, etc). As written, Section 2.1 of the draft standard would provide excessive latitude in the kinds of ingredients that would be permitted in standardized chocolate. That portion of Section 2.1 and Section 6.1.2 relating to other edible foodstuffs should be deleted from the standards or rewritten in a manner to ensure that the essential characteristics of traditional quality and source of chocolate are maintained. In the event Section 2.1 remains as proposed, we would recommend that Section 6.1.2 be revised to delete the five percent (5%) threshold for labeling and that reference to the added foodstuff be required in the product identity whenever other edible foodstuffs are added to the product.
- c. Sweeteners and Bulking Agents – Guittard Chocolate is also opposed to the addition of high intensity sweeteners and polyols (Section 3.4) and bulking agents (Section 3.8) to standardized chocolate. If such sweeteners and bulking agents are used in chocolate products, then the label of such product should be required to clearly and conspicuously distinguish such product from standardized chocolate. Sweeteners under Section 3.4 should be limited to those that provide essential characteristics of quality

Mr. Charles W. Cooper

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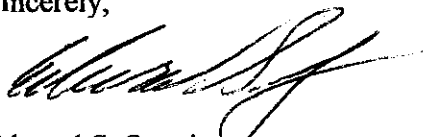
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and source inherent in chocolate products, i.e., nutritive carbohydrate sweeteners, as currently defined in U.S. regulation.

- d. Milk Solids – Guittard believes that an inadvertent omission has occurred in this version of the standards. The Minimum Milk Solids requirements found throughout the draft standard and in the proposed Table should be clarified (by footnote) to restore the requirement that non-fat milk solids be in their natural proportions. We are concerned that the intent of this proposal is to allow unlimited amounts of whey and/or lactose in milk chocolate and that these dairy components could be used as a substitute for milk and used to fulfill minimum milk solids requirements. Requiring that non-fat milk solids be present in their natural proportion is essential to maintaining the defining characteristics of chocolate products which contain milk, preventing consumer fraud, ensuring nutritional value, and is also consistent with the requirements of the U.S. Standards.

Thank you again for the opportunity to submit our comments on this matter which is of the utmost importance to Guittard Chocolate Company and the entire U.S. Chocolate industry.

Sincerely,



Edward S. Seguire
Vice President, Guittard Chocolate Co.