



Hershey Foods Corporation  
Technical Center  
P.O. Box 805  
Hershey, PA 17033-0805  
Phone: (717) 534-5130  
Fax: (717) 534-5076  
E-mail: starka@hersheys.com

STANLEY M. TARKA, JR., Ph.D.  
Senior Director, Food Science & Technology



September 12, 2001

FSIS Docket Room  
U.S. Department of Agriculture  
Food Safety and Inspection Service  
Room 102  
Cotton Annex  
300 12<sup>th</sup> Street, S.W.  
Washington, DC 20250-3700

01-026N  
01-026N-1  
Stanley M. Tarka

01 SEP 11 09 51 AM '01  
FBI/DOJ

Re: Codex - Draft Standards for Cocoa and Chocolate Products - Docket 01-026N

Dear Sirs:

Hershey Foods Corporation appreciates the opportunity to provide its comments on the most recent Codex Proposed Draft Standard for Chocolate and Chocolate Products (CL 2000/46-CPC, ALINORM 01/14, Appendix V).

Hershey is the largest producer of chocolate and confectionery products in North America, with worldwide distribution of its chocolate products. Our continued success and that of the chocolate industry are directly related to the ability to meet consumer expectations and needs, and to maintain consumer confidence and trust in chocolate products generally. Thus, we strongly believe that Codex standards for chocolate products should be simplified to provide greater opportunity for product innovation, and should also reflect the essential and defining characteristics of source and quality that are inherent in the minds of consumers. Our comments follow:

**Comments on Proposed Draft Standard for Chocolate and Chocolate Products at Step 5 (CL 2000/46 - CPC, ALINORM 01/14 Appendix V).**

Hershey would like to confirm and reiterate its support for the comments submitted by the Chocolate Manufacturers Association (CMA) relating to this proposed draft standard. In addition to the CMA comments, we would like to offer the following comments on matters which were left for individual member comment:

- a. Vegetable Fats Other Than Cocoa Butter: Hershey remains strongly opposed to the addition of non-cacao vegetable fats in any quantity to standardized chocolate products as currently proposed in Section 2.1. However, in the interest of international trade, and in continuing progress towards harmonization of worldwide chocolate standards, we can accept the Committee's compromise to allow the addition of up to 5% vegetable fats other than cocoa butter, provided the addition is indicated clearly on the

label in association with the name or representation of the food. Clear and conspicuous labeling of such product as part of the product statement of identity will distinguish it 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).

b. Other Edible Foodstuffs: Hershey continues to believe that Section 2.1 of the proposed draft standards should be further clarified with respect to the definition of edible foodstuffs. As written, Section 2.1 provides excessive latitude in the kinds of ingredients that would be permitted in standardized chocolate. We propose that "other edible foodstuffs" be defined as inclusions of discrete particulate products (e.g., nuts, fruit pieces, cereals, etc.) or a discrete homogeneous mass derived from these particulate products (e.g., nut pastes). Section 6.1.2 should also be revised to delete the five percent (5%) threshold for labeling other edible foodstuffs. Reference to other edible foodstuffs should be required as part of the product identity whenever other edible foodstuffs are added to the product. This is especially important in instances where the other edible foodstuff may constitute an allergen (e.g., nuts, cereals). The restriction on the use of added flour, starch, and animal fats other than milk fat should be retained in Section 2.1 as an independent statement that is not associated with the definition of "edible foodstuffs."

c. Sugars, Sweeteners and Bulking Agents: FDA currently specifies that standardized chocolates contain "nutritive carbohydrate sweeteners."

The Codex proposed draft standard for Chocolate and Chocolate Products in Section 2.1 (Chocolate Types) refers to the use of "sugars and/or sweeteners." The term "sweeteners" as described in Section 3.5 includes both high potency sweeteners and sugar alcohols.

Hershey agrees with the use of sugars, but is opposed to the addition of sweeteners as defined in Section 3.5 and bulking agents in Section 3.9 to standardized chocolate. We would prefer to eliminate these sections along with any reference to sweeteners in Section I Scope and Section 2.1 Chocolate Types.

However, if the proposed Codex definitions of sweeteners and bulking agents in Sections 3.5 and 3.9, respectively, remain intact, we strongly urge that the label of such product clearly and conspicuously distinguish the product from standardized chocolate. Therefore, we would support the removal of brackets from the appropriate paragraph in Section 6.1.2, provided that the text is modified to state "when sugar is *partially or* fully substituted with sweeteners and/or bulking agents, an appropriate declaration should be included in the designation of the chocolate."

d. Milk Solids: We support the Committee's decision that the minimum addition of milk solids refers to the addition of milk ingredients in their natural proportions except that milk fat may be added or removed. We would like to see this language incorporated by footnote into Table 1 so that there is consistency between the text and table.

FSIS Docket Room  
U.S. Department of Agriculture  
Food Safety and Inspection Service  
September 12, 2001

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

Respectfully submitted,

A handwritten signature in black ink that reads "Stanley M. Tarka, Jr." The signature is written in a cursive style with a large, stylized initial 'S'.

Stanley M. Tarka, Jr., Ph.D.  
Senior Director  
Food Science and Technology