

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 363 final.

Brussels, 15 July 1975

Report by the Commission to the Council
concerning the Community's comments on the Standards examined
at the 11th session of the Codex Committee on Cocoa Products
and Chocolate (ALINORM 76/10)

(submitted to the Council by the Commission)

COM(75) 363 final.



INTRODUCTION

In its circular letter No CX 5/102 - CL 1975/3, the Secretariat of the Codex Alimentarius asked the various interested parties to make known any comments they might have on the following Standards at step 8 :

- Draft Standard for cocoa butter
- Draft Standard for chocolate

and a number of other Standards which have not yet reached step 8, namely :

- Draft Standard for cocoa powder (cocoa) and dry preparations obtained from cocoa and sugar.
- Preliminary draft Standards for :
 - composite and flavoured chocolate
 - filled chocolate
 - white chocolate.

2113/VI/75-D

PART I

As far as the Standards at step 8 are concerned, namely :

- the Draft Standard for cocoa butter
- the Draft Standard for chocolate,

they certainly differ in some ways from Community legislation.

However, these differences would not justify blocking these Standards at step 8.

Indeed, it appears most unlikely, in the light of the discussions at the last session of the Committee, that any amendments introduced would find sufficient support.

In consequence, the Commission does not intend to oppose their passage to step 9.

Any amendments proposed by a non-Member country could be discussed at the coordination meeting.

PART II

Draft letter to the Chairman of the Codex Committee
on Cocoa Products and Chocolate : Mr E. MATTHEY,
Halerstrasse 16, 3008 Bern, Switzerland

Subject : Report of the 11th session of the Codex Committee on Cocoa Products
and Chocolate, Zurich (ALINORM 76/10).

Ref. : Circular letter No CX 5/1.2 - CL 1975/3 March 1975

Dear Mr Chairman,

The circular letter referred to above contains a request for
comments on the various draft Standards examined at the last session of the
Codex Committee on Cocoa Products and Chocolate.

I enclose a copy of the comments made by the Community.

You will no doubt see fit to ask the Secretariat to bring
these comments to the attention of the Committee.

Yours faithfully

ANNEX

I. Draft standard for cocoa powder (cocoa) and dry preparations made from cocoa and sugar (returned to step 7 of the Procedure for the elaboration of World-wide standards) (ALINORM 74/10 - Annex V revised)

3. Essentiel composition and quality criteria

3.1.2 Fat-reduced cocoa powder or cocoa

In addition to these terms, the Community feels that the following synonyms should be retained :

- fat-reduced cocoa powder
- fat-reduced cocoa.

3.1.3 Preparations containing cocoa and sugar

3.1.3.1 Preparations containing sugar and cocoa powder; cocoa powder content

3.1.3.1.1 Cocoa powder

In addition to this term, the Community wishes to retain the following synonyms :

- sweetened cocoa powder
- sweetened cocoa.

3.1.3.1.2 Drinking chocolate

In addition to this term, the Community proposes that the following synonyms be retained :

- sweetened powdered drinking chocolate
- sweetened drinking chocolate.

3.1.3.1.3 Instant drinking chocolate

- Drinking chocolate has been defined under 3.1.3.1.2 as a product containing a minimum of 25 % of cocoa powder based on the weight of the dry matter. The product also has a reserved designation at Community level.

The Community cannot allow a product with a lower cocoa powder content, i.e. 18 % of the total dry matter content, to be given this name. It therefore asks that if this type of product is retained, it shall be given a name less likely to lead to confusion.

3.1.3.2 Preparations obtained from cocoa and sugar; fat-reduced cocoa powder content

3.1.3.2.1 Sweetened fat-reduced

In addition to this name, the Community proposes that the following synonyms be retained :

- sweetened, fat-reduced cocoa powder
- sweetened, fat-reduced cocoa
- sweetened, minimum fat-content sweetened cocoa powder.

3.1.3.2.2 Sweetened fat-reduced drinking chocolate

In addition to this designation, the Community wishes to see the following synonyms restored :

- sweetened fat-reduced powdered drinking chocolate
- sweetened fat-reduced drinking chocolate
- sweetened minimum fat-content drinking chocolate.

3.1.3.2.3 Sweetened fat-reduced instant cocoa

Sweetened fat-reduced cocoa has been defined under 3.1.3.2.1 as a product containing 32 % of fat-reduced cocoa powder based on the weight of the dry matter. This product also has a reserved designation at Community level.

The Community cannot allow this designation to be extended to a product with a lower fat-reduced cocoa powder content, i.e. 18 % of the weight of the dry matter. If this type of product is retained, the Community asks that it be given a designation less likely to lead to confusion.

4. Food additives

Pursuant to the Committee's decision on chocolate, the question arises whether the list of neutralising agents should be abolished.

However, where emulsifiers are concerned, the Community asks that mono- and di-glycerides of edible fatty acids be excluded from this Standard.

7. Labelling

The Community wishes the various synonyms listed under point 3 to appear on labels.

In further proposes to apply the provisions adopted in the general international Standard recommended for the labelling of pre-packed foods.

II. Preliminary Draft Standards for composite chocolate and flavoured chocolate (ALINORM 74/10 - Annex VI)

(At step 3 of the Procedure for the Elaboration of World-wide Standards)

The Community feels that all these products should be covered by labelling requirements. It therefore considers the name "composite chocolate" to be superfluous.

Moreover, the Community asks that the following designations be reserved for the products described below.

Gianduja (or one of the derivatives of the word) nut chocolate

The product obtained firstly from chocolate having a minimum total dry cocoa solids content of 32 % including a minimum dry non-fat cocoa solids content of 8 %, and secondly from finely ground hazelnuts in such quantities that 100 g of the product contain not less than 20 g and not more than 40 g of nuts. Almonds, hazelnuts and other nut varieties may also be added, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60 % of the total weight of the product.

Gianduja (or one of the derivatives of the word "gianduja") nut milk chocolate

The product obtained firstly from milk chocolate having a minimum content of 10 % of milk solids obtained by evaporation, and secondly from finely ground hazelnuts in such quantities that 100 g of the product contain not less than 15 g and not more than 40 g of hazelnuts. Almonds, hazelnuts and other nut varieties may also be added, either whole or broken in such quantities that, together with the ground hazelnuts, they do not exceed 60 % of the total weight of the product.

A chocolate

The product in single-mouthful size, consisting either :

- of filled chocolate,
- or of a combination of chocolate, plain chocolate, gianduja nut chocolate, couverture chocolate, milk chocolate, milk chocolate with high milk content, gianduja nut milk chocolate, couverture milk chocolate or white chocolate in conjunction with other edible substances, in so far as the chocolate parts are clearly visible at least partially, and constitute at least 25 % of the total weight of the product or, of a mixture of chocolate, plain chocolate, couverture chocolate, milk chocolate, milk chocolate with high milk content, or couverture milk chocolate and other edible substances, excepting :
 - flour or starches,
 provided that the chocolate products constitute at least 25 % of the total weight of the product.

The Community further proposes that sub-paragraph 3.1.3 read as follows :

"If substances are added in clearly visible and separable pieces, their amount, in relation to the total weight of the finished product, may not be less than 5 % or more than 40 %".

"If substances are added in a form which is for practical purposes indiscernable their total amount shall not exceed 30 % of the total weight of the product".

"If substances are added both in clearly visible and separable pieces and in a form which is for practical purposes indiscernable, their total amount shall not exceed 40 % of the total weight of the product, and the amount of clearly visible and separable pieces may not be less than 5 % of the total weight of the product".

The Community sees no valid reason to object to the use of non-fat solids as such (subparagraph 3.1.4) and feels that this section should be omitted. As far as the labelling of flavoured chocolate is concerned, the Community asks that the following provisions be adopted :

- where a foodstuff having a flavouring effect is employed, by giving its name,
- where flavouring substances other than ethyl vanillin are employed, by adding to the name the statement "... taste" or "... flavour" with the name of the substance in characters of equal size, any reference to a natural source should be restricted to natural flavouring substances.

For questions concerning additives and labelling, the remarks made on the subject of the preliminary draft Standard for cocoa powder (cocoa) and dry products determined from cocoa and sugar in paragraphs 4 and 7 are equally valid here.

III. Preliminary Draft Standard for white chocolate

(At step 3 of the Procedure for the Elaboration of World-wide Standards)
(Document ALINORM 74/10 - Annex IX)

The Community asks that the product be defined as follows :

- The product free of colouring matters, obtained from cocoa butter, sucrose, and milk or milk solids obtained by the partial or complete evaporation of full cream milk or skimmed or semi-skimmed milk from cream or partially or fully evaporated cream, butter of butter fat, and containing :
 - at least 20 % of cocoa butter
 - at least 14 % of milk solids obtained from the ingredients listed above
 - at least 3.5 % of butter fat
 - not more than 55 % of sucrose,

these percentages to be calculated after the weight of the additions provided for in paragraphs 5 to 8 has been deducted.

Concerning questions of additives and labelling, the remarks made on the draft Standard for cocoa powder (cocoa) and dried products made from cocoa and sugar in paragraphs 4 and 7 are equally valid here.

IV. Preliminary Draft Standard for filled chocolate

(At step 3 of the Procedure for the establishment of World-wide standards)
(Document No. ALINORM 74/10 - Annex VIII)

The Community wishes this type of chocolate to be defined as a filled product, the outer part which consists of

- chocolate
- plain chocolate
- gianduja nut chocolate
- couverture chocolate
- milk chocolate
- milk chocolate with high milk content
- gianduja nut milk chocolate
- couverture milk chocolate
- white chocolate.

The outer part shall constitute at least 25 % of the total weight of the product.

The remarks made in Chapters I, II and III of the present communication also apply to the other points of the Preliminary Draft Standard for filled chocolate.

PART III

The Member States may send their comments on :

- Chocolate-flavoured powder (subparagraph 3.1.3.1.4)
- Sweetened cocoa-flavoured powder (subparagraph 3.1.3.2.4)
- Products obtained from cocoa and sugar and containing milk solids (subparagraph 3.1.4)
- Products containing 18 % of cocoa powder (subparagraph 3.1.3.1.3)
- Products containing 18 % of fat-reduced cocoa powder (subparagraph 3.1.3.2.3)

described in the Preliminary Draft Standard for cocoa powder (cocoa) and dried products obtained from cocoa and sugar (referred back to step 7 of the Procedure for the Elaboration of World-wide Standards) to the Secretariat of the Codex, as these products are not governed by the Community Directive.

Member States should emphasize that the designations of these products should not lead to confusion.