

CAOBISCO

Association of Chocolate, Biscuit and Confectionery Industries of the EU

Association des Industries de la Chocolaterie, Biscuiterie et Confiserie de l'UE

1, rue Defacqz

B-1000 BRUSSELS

Tel: +322/ 539 18 00

Fax: +322/ 539 15 75

e-mail : caobisco@caobisco.be

Ref: c716-72-rev1.

Brussels, 17 November 2000

Mr. George Schreiber
Direction General Enterprise EI
European Commission
Rue de la Loi, 200
1049 Brussels

Dear Mr. Schreiber,

After careful reading of the second draft modification of the Directive on Flavours (88/388/EC), we have noted that in Annex II the levels of use for certain flavours and active principles of spices have been reduced.

These limits do not correspond to the levels of use currently required in the production of some of our products. The proposed levels will affect a large number of our traditional products (often with a long history of consumption), which will simply disappear from the market and this will probably lead to financial problems for several companies.

CAOBISCO would like to submit comments on the following substances: coumarin, pulegone, menthofuran, safrole and hydro-cyanic acid.

Coumarin is important for the taste of cinnamon. The Observatory of French Food Consumption has already assessed the impact of exemptions on basic cinnamon products and this clearly shows that their contribution to exposure is minimal. The consumption data in other countries confirms the low exposure. For example, the average consumption of certain products like 'speculos' biscuits is very low, even in countries where those biscuits are traditionally produced and eaten (less than 1kg/per year per capita in Belgium). In addition, many traditional products are only consumed occasionally (festive seasons, etc...).

For these reasons, CAOBISCO supports the suggestion made by the Dutch Government requesting an exemption for certain traditional products prepared with cinnamon. However, CAOBISCO would also like to stress that a lot of foodstuffs will encounter difficulties if the proposed limit of 0.5 mg/kg is maintained, since flavours such as "praliné", vanilla, coconut, curry, etc. can correspond to flavouring preparations containing coumarin.

We would also like to stress that cinnamon is not the only source of coumarin and that Tonka beans can also be a source of coumarin in some of our products.

CAOBISCO therefore proposes that the Commission will draw up a list of products exempted from any imposed limit of coumarin level. This will then make possible the sale of traditional products of 'confectionery and baked goods' containing cinnamon. You will find enclosed the

list of major CAOBISCO traditional products, which should in our opinion benefit from exemptions in respect of coumarin. Because many of these products in some countries are produced by small companies and artisans and in the absence of a common method of analysis, we had difficulty in collecting comprehensive data on who uses what and we do not believe our list is complete. Therefore, CAOBISCO believes that providing a simple exemption for all traditional products would overcome this problem and would avoid giving enforcement authorities the almost impossible task of analysing products from hundreds of very small producers.

Regarding pulegone, menthofuran, and hydro-cyanic acid, CAOBISCO proposes an increase in the levels of use of these substances.

We would like the raising of the level of pulegone to 250 mg/kg for ‘mint/peppermint flavoured confectionery’. We can support the level proposed of 350 mg/kg in mint/peppermint flavoured chewing-gum, and of menthofuran to 1000 mg/kg in mint/peppermint flavoured chewing-gum but we would like to have the level of menthofuran for ‘mint/peppermint flavoured confectionery’ raised to 450 mg/kg. The toxicological data included in the report produced by the Mint Industry Research Council show that an individual would have to consume in excess of 1 kg of mints a day for several consecutive days to be at risk from neurotoxic effects. The same is true for pulegone, which does not jeopardise the consumer’s health.

CAOBISCO supports the level of 15 mg/kg for saffrole proposed by the Commission in ‘foodstuffs containing mace and nutmeg’. The sort of products that contain high levels (e.g. Christmas pudding, spiced biscuits, spiced cakes and spiced buns), are consumed only intermittently and would not therefore make any significant contribution to dietary exposure. Therefore, CAOBISCO would also like to have an exemption for certain traditional products such as “Lebkuchen”.

Concerning hydro-cyanic acid, CAOBISCO feels that to distinguish between the 3 groups of products containing almonds would be both difficult to put into practice and illogical. Therefore, we propose a single level of 50 mg/kg for marzipan, confectionery or baked products and ‘special’ products containing almonds (e.g. Marzipanbrot, Marzipanfiguren, Edelmarzipan).

CAOBISCO would also like to comment on the draft regulation laying down the list of food additives for use in flavourings. We have noticed that Annex II part C sets out levels for five antioxidants (including BHA) of 20 mg/kg “expressed on fat”. This would effectively preclude the addition of BHA to flavours/essential oils used in sugar confectionery and other similar products, which do not contain fat. Therefore CAOBISCO would like this to be changed.

Thank you in advance for taking our requests into account.

Yours sincerely,

Pénélope Alexandre

CAOBISCO

Regulatory Affairs Manager

List of Exemptions for the major traditional CAOBISCO’ products

Coumarin

1. Chocolate products

- Chocolate products flavoured with cinnamon

- Weihnachtsschokoladen
- Zimtschokoladen
- Weihnachtspasteten

2. Fine Bakery wares

- Fine Bakery wares flavoured with cinnamon:
 - spéculos (or speculaas, spekulatius)
 - gevuld speculaas
 - le pain d'épices (au miel)
 - Linzer torte
 - Sweet cinnamon buns and "loafs" with a cinnamon spice filling
 - Crispbread with cinnamon
 - Cinnamon muffin
 - Cinnamon apple/mazarin
 - Cinnamon cookies in different shapes
 - Kaneelbeschuit
 - Appelkaneelbrood
 - Kaneelkoekjes
 - Kaneelstokken, -schuimjes en -kussentjes
 - Ontbijtkoek
 - Groninger -, Friese-, Kruid-, Spek-, Deventer-,
 - Oudewijvenkoek en andere koekspecialiteiten
 - Kruidcake
 - Moppen (regionale specialiteit)
 - Stroopwafels
 - Peper – en kruidnoten
 - Oranjekoek
 - biscuits aux amandes
 - oat cookies
 - sweet buns with apple
 - ginger snaps
 - ginger bread cake
 - apple cake
 - apple tart (or Appeltaart, -koeken en -flappen)
 - apple pie
 - sponge cake with apple, carrot, coconut or lingonberries
 - bagels
 - spiced bread with raisins
 - rye bread with wort
 - spiced cakes and certain traditional UK biscuits: 4 mg/kg
 - alle Feinen Backwaren aus Lebkuchenteigen und – massen, also:
 - Oblaten – Lebkuchen
 - Feine Oblaten – Lebkuchen
 - Haselnuss – Lebkuchen, Walnuss-Lebkuchen, Nuss-Lebkuchen,
 - Weisse Lebkuchen
 - Braune Lebkuchen
 - Feine Braune Lebkuchen
 - Feinste Braune Lebkuchen
 - Braune mandel-Lebkuchen, Braune Nuss-Lebkuchen
 - Honig-Lebkuchen, Honigkuchen

Dominosteine aller Art,
 Printen aller Art,
 Spitzkuchen aller Art,
 Lebkuchen-Herzen, Lebkuchen-Brezeln, Lebkuchen-Sterne,
 Traditionelle Lebkuchenarten wie Pfeffernüsse, Pflastersteine, Magenbrot oder Alpenbrot.

- alle Feinen Backwaren, die nach Zimt benannt sind, also:

Zimsterne

Zimtgebäck

Zimtwaffeln usw.

- alle Feinen Backwaren, bei denen genannt ist:

mit weihnachtlichen Gewürzen,

mit Spekulatius-Gewürz,

mit Lebkuchen-Gewürz, bzw. Weinachts- /Adventsgebäck

- bestimmte Füllungen für Feine Backwaren, die nach Zimt benannt sind bzw. die damit hergestellten Feine Backwaren also

z.B. Lebkuchen mit Apfel-Zimt-Füllung oder Keks mit Apfel-Zimt-Füllung

- Mit Zimt gewürzter Zwieback

- Bagel med kanel og rosin

- Kanelbullar

- Honningsnitter

- Brunkager (traditional and organic)

- Pebernødder (traditional and organic)

- Kanelkager

- Kanelsnegle / Cinnamonwhirl / Kanelsnecker

- Pepperkaker

- Krydderikager

- Krydderibunde

- Snøfler

- Studenterkrummer

- Studenterstripper

- Pyramider

- Studenterbrød

- Studenterkræs

- Studenterguf

- Punchruller

- Kokoskræs

- Træstammer

- Studenterstænger

- Punchruller

3. Sugar Confectionery products

- sugar confectionery “Winter mixtures” and herbal confectionery
- sugar confectionery flavoured with cinnamon
- flavoured chewing-gums
- Turrões
- caramel and caramel flavoured confectionery