Subject: CM: Re: RRAT Legislation Committee - Definitions of Meat and Other Animal Products - 6 December 2021 - Hansard corrections and answers to questions on notice
Date: Monday, 20 December 2021 4:12:02 PM

Thank you

On behalf of ADIC, please find enclosed the following:

- Transcript with corrections (attached)
- Response to the questions on notice (below and attached).

Questions on notice:

1. Evidence of consumer confusion for plant-based beverages vs dairy [**2 x references attached**]
2. Application of Codex and Standards for use of dairy terms:
    - IDF* position paper - Codex General Standard for the use of dairy terms (GSDUT CXS 206-1999) [**attached**]
        - Note: Codex Alimentarius is a collection of international recognised standards that ensures food is safe and can be traded. It provides exceptional permissions for the use of dairy terms on non-dairy food whose nature is clear from traditional usage or when the term is clearly used to describe a characteristic quality, e.g. peanut butter. At the forefront of participants to Codex, are all countries of the EU.
    - IDF* Bulletin - Codex General Standard for the use of dairy terms [**attached**]
    - Codex General Standard for the use of dairy terms (GSDUT CXS 206-1999) [**attached**]
      **The IDF documents provide a detailed interpretation of the GSDUT CXS 206-1999.*

3. High-level overview of plant-based alternatives (PBA) labelling by location:

	EU	France	USA	Canada	China	Japan	India
Dairy	**NO – EU Parliament voted in favour of banning PBA using dairy terminology**	**NO – France passed amendment in 2018 to prohibit PBA being labelling like meat and dairy**	**Yes with qualifiers but specifics differ between states – noting there is current legal activity ongoing as outlined in next sections (and in some cases proposed laws rejected)**	**NO – Milk must meet definition in B.08.003. Many PBA brands use 'beverage'**	**Yes with qualifiers – regulations are currently being drafted to specify qualifiers**	**Yes – noting currently consulting that includes labelling and standa**	

We have also followed up with the DAWE about the ability to share the Ministerial Industry Working Group Discussion Paper on *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products.* We have been advised this remains in progress. This Discussion Paper is a highly valuable document collating current regulation and policy,

evidence on consumer perceptions, product examples, and reform options for addressing truth in labelling of plant-based alternatives.

We look forward to reading the Senate Committee's Report in February 2022, followed shortly after by the response from the Australian government.

Please do not hesitate to contact us for any additional information,

Regards

Janine Waller
Executive Director

Janine Waller (*work days: Monday- Thursday*)
Executive Director
Australian Dairy Products Federation
Office 638 level 6/ 40 City Road Southbank Vic 3006
E:
M:
W: www.adpf.org.au

Consumer perceptions of plant-based products imitating milk and milk products

Surveys from around the world indicate that consumers are confused and misled by the labelling and marketing of plant-based products. It is important to show our policy makers that this too is an issue and Australians are equally confused.

This document details consumer insights from Australia, France, and the United States around their perceptions of plant-based products.

In Australia and other countries:

- **Consumer perceptions regarding plant-based beverages a confused, notably in terms of nutrition.**
- **consumers believe that plant-based beverages are nutritionally equivalent and at times better than milk.**

Australia

The Dairy Australia Trust Tracker:

Lewers Research has been conducting the Dairy Australia Trust Tracker since 2018 - a robust consumer study to monitor community sentiment including trust and perceptions of dairy foods and the industry, identify emerging food and general issues/concerns in the macro-environment and monitor the impact of marketing activities.

To ensure the representativeness and robustness of the insights we have ensured that the study has the following characteristics:

- Robust sample size of Australians aged 18+ with low margin of error at 95% confidence
- Quotas in place to capture a representative group of Australians during fieldwork
- Weighting of the data to correct for any deviations in the sample to ensure it is representative of the Australian population by age, gender, and location.
- Comprehensive and consistent online survey that has been designed to consider elements including ordering effects, priming and questions are asked of relevant groups to ensure consistent and comparable data wave on wave.

For the annual waves (including Wave 8 (Annual Wave) October 2020) we capture a robust sample of around **n=1,300 Australians aged 18+** (including Changemaker and Believer segments) via a 20-minute online survey. **At this sample size level, the margin of error is low at +/-3% at 95% confidence.**

For the alternative milks results specifically from Wave 8 October 2020 (Annual Wave), the survey had a sample of n=535 who buy alternative milks who provided the main reasons for buying alternative milks. At this sample size, the margin of error is +/- 4%. For the attitudes to alternative milks, this was asked of the total market, i.e. a sample size of n=1,293 which has a margin of error of +/- 3%. In both these cases, the margins of error are low and are below the widely accepted margins of error of +/5% at 95% confidence of scientific studies.

In summary, to confirm this data is based on a robust sample of Australians and is not anecdotal or based on small sample sizes with high margins of error.

Who are Lewers?

Lewers is an Australian owned, experienced, forward-thinking research company established 15 years ago and are dedicated to providing our clients with the insights they need to make the right decisions for their business.

Dairy Trust-tracker consumer survey commissioned by Dairy Australia[1] assessed perceptions of the nutritional value and benefits of plant-based foods

	2020	2019
Main reason for buying plant-based beverages*	N= 535	N=466
Plant-based beverages are perceived to be healthier than milk	49%	45%
Plant-based beverages are better for the environment	30%	20%
Attitudes to plant-based beverages+	N = 1293	N = 1326
Plant-based beverages are just as nutritious as milk	36%	33%
Plant-based beverages are as good for children as milk	33%	27%
Plant-based beverages contain cow's milk	19%	15%
Cows' milk is more natural than plant-based beverages	61%	61%

*Among those who buy plant-based beverages. +Among total sample

- There is an increasing perception among plant-based purchasers that PBB are healthier despite insufficient evidence to conclude that plant-based beverages possess health benefits
- Many consumers do not believe that cows' milk is more natural than plant-based beverages. However, commercial plant-based beverages are formulated foods, with wide variance in fortified (added) nutrients. It is not equivalent to consuming naturally occurring nutrients and will have varying outcomes on nutrient quality and bioavailability[2].
- There is an increasing perception that plant-based beverages are as good for children's health as cows' milk. Water and milk are the recommended beverages for children 12 months to 5 years of age. Generally, plant-based beverages are not recommended as milk equivalents for those aged 12-24 months due to nutrient inadequacies and only when medically needed for those aged 2 to 5 years.

See Appendix 1 for more results from 2019 and 2020 Trust Tracker results

France

In France, the European Court ruled that purely plant-based products cannot be marketed with designations such as 'milk', 'cream', 'butter', 'cheese' or 'yoghurt', which EU law reserves for animal products.

A 2017 nationally representative survey of French adults (n= 5175), commissioned by CNIEL (The French Dairy Interbranch Organization) assessed consumer perceptions of plant-based products[3] and despite the regulations, consumers are confused about these products as detailed below:

Confusion about the products

- One in three French adults believe milk is present in plant-based beverages.

Confusion about nutritional content

- Six out of 10 believe that PBB can replace cow's milk in terms of nutrition
- Fifty-two percent agree that PBB provide the same nutrients as milk
- More than 70% agree that PBB naturally contain calcium
- This confusion could lead to risks for the consumer with one out of five French adults believing that PBB meet the nutritional needs of an infant.

[1] Dairy Australia Trust Tracker | Annual Wave Report | October 2019, N=1326, October 2020 N = 1293. National representative samples

[2] Zhang Y, Hughes J, Grafenauer S. Got Mylk? The Emerging Role of Australian Plant-Based Milk Alternatives as A Cow's Milk Substitute. Nutrients 2020, 12, 1254; doi:10.3390/nu12051254

[3] Audirep, Consumer Perceptions of plant products, Audirep enquiry of 5,175 people for Cniel, Oct 2017

United States

A 2018 IPSOS (Global leader in market research company) population survey[4] (N= 2010) (gathered data from US Adults 18+).

- N= 914 exclusive dairy milk buyers (once a year or more often)
- N=789 dual buyers of dairy milk and plant-based beverages (once a year or more often)
- N=110 exclusive plant-based beverages buyers (once a year or more often)
- Respondents were asked about their perceptions of milk and plant-based beverages via both open-ended and closed-ended questions.

IPSOS survey methodology
https://www.ipsos.com/en-us/news-polls/americans-love-dairy-milk-for-its-taste-nutrition-and-affordability

A sample of 2,010 adults age 18+ from the continental U.S., Alaska and Hawaii were interviewed online in English.
The sample for this study was randomly drawn from Ipsos's online panel, partner online panel sources, and "river" sampling and does not rely on a population frame in the traditional sense. Ipsos uses fixed sample targets, unique to each study, in drawing sample. After a sample has been obtained from the Ipsos panel, Ipsos calibrates respondent characteristics to be representative of the U.S. Population using standard procedures such as raking-ratio adjustments. The source of these population targets is U.S. Census 2016 American Community Survey data. The sample drawn for this study reflects fixed sample targets on demographics. Post-hoc weights were made to the population characteristics on gender, age, race/ethnicity, region, and education.
Statistical margins of error are not applicable to online nonprobability sampling polls. All sample surveys and polls may be subject to other sources of error, including, but not limited to coverage error and measurement error. Where figures do not sum to 100, this is due to the effects of rounding. The precision of Ipsos online polls is measured using a credibility interval. In this case, the poll has a credibility interval of plus or minus 2.5 percentage points for all respondents. Ipsos calculates a design effect (DEFF) for each study based on the variation of the weights, following the formula of Kish (1965). This study had a credibility interval adjusted for design effect of the following (n=2,010, DEFF=1.5, adjusted Confidence Interval=4.0).

The United States IPSOS survey results showed:

- Sixty-two percent of exclusive PBB buyers, 51% of dual buyers and 35% of total respondent's thoughts PBB offered higher or equal protein quality to dairy.
- Seventy-three percent of consumers believe almond 'milk' had as much or more protein per serving than milk from cows.
- Sixty-eight percent strongly or somewhat agreed that PBB have the same nutrition as dairy milk.

Health is interconnected with nutrition in consumers' eyes. Both dairy milk and plant-based beverages are purchased with nutrition in mind, yet many consumers are not aware of nutritional distinctions between products. Open ended responses showed that:

- Consumers have an expectation that products labelled as "milk", whether they are dairy milk or a plant-based 'milk', are comparable on nutrition content.
- Almond beverage, soy beverage and coconut beverage are perceived as having the same or more vitamins, protein or other key nutrients as compared to milk.
- Most adults believe that dairy milk and plant-based beverages have the same nutritional content.

PBB were associated with dairy milk by some consumers.

- When milk is prominently labelled on the package (e.g., Bolthouse Farms Plant MILK Protein), the association is stronger than when "milk" does not appear on the package (e.g., Rice Dream Rice Beverage).

[4] https://www.ipsos.com/en-us/news-polls/americans-love-dairy-milk-for-its-taste-nutrition-and-affordability

CONSUMER CONFUSION PLANT-BASED SUBSTITUTES TO DAIRY

Dairy Australia Trust Tracker Research

November 2020

DAIRY AUSTRALIA – ANNUAL TRUST TRACKER SURVEY

2019

Online consumer panel sample n=1,326: General population aged 18+

Data has been weighted so that it is representative by age, gender and location

Fieldwork conducted **26th September to 3rd October 2019**

20 minute survey

2020

Sample design

Online consumer panel sample n=1,293:

When

15 September to 5 October 2020

Data has been weighted so that it is representative by age, gender and location

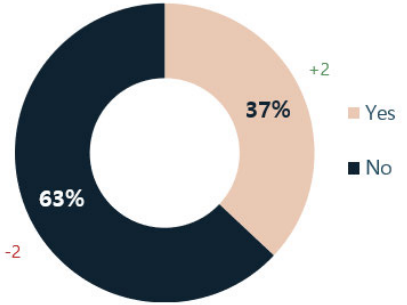
20 min survey

PURCHASE OF PLANT-BASED BEVERAGES

Dairy Australia

Those who purchase dairy alternatives

2019



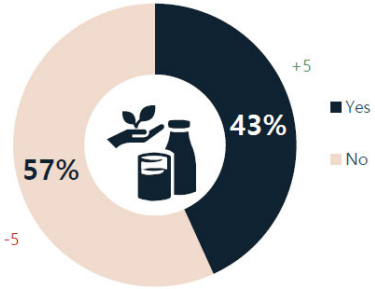
3%
purchase dairy alternatives only

On average, households purchase the following litres of alternative milks

2.3L

Those who purchase dairy milk alternatives

2020



5% +2
purchase dairy alternatives only

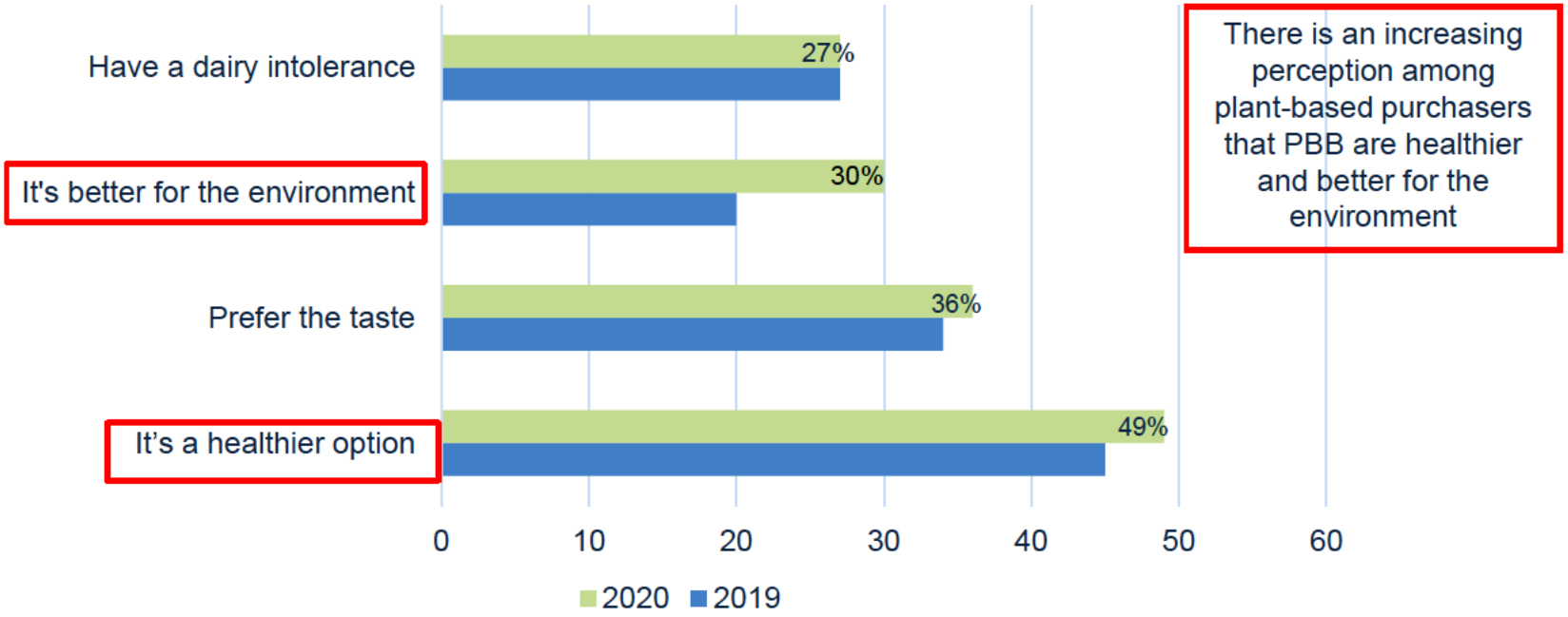
On average, households purchase the following litres of alternative milks

4.2L

Dairy alternatives

- **Alternative milk consumption increasing** in both households and volume, despite this **milk consumption remains stable.**
- **Perception that dairy alternatives are healthier options and taste** key reasons for purchase.

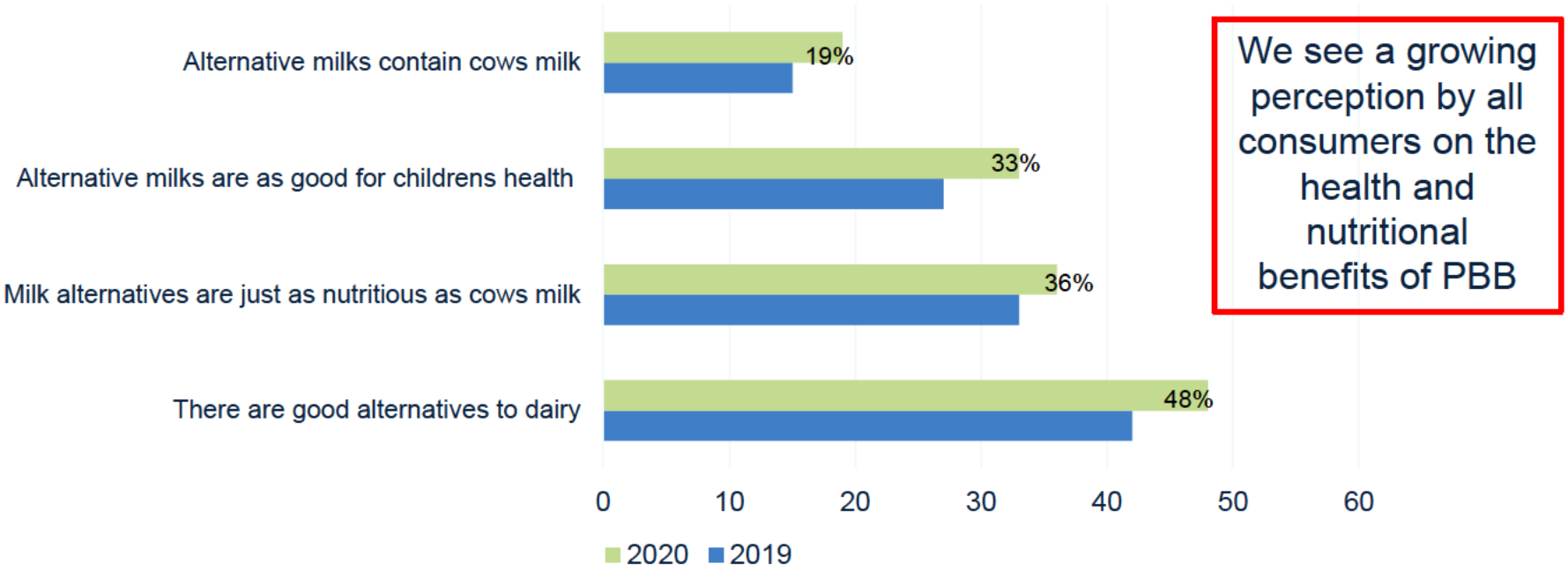
MAIN REASON FOR BUYING PLANT-BASED BEVERAGES (PBB)



Among those who buy plant-based beverages. Base sample 2019 N=466, 2020 N= 535

ATTITUDES TO PLANT-BASED BEVERAGES

(AMONG TOTAL SURVEY SAMPLE)



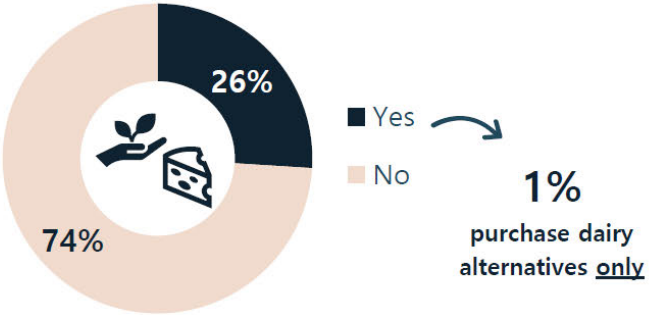
We see a growing perception by all consumers on the health and nutritional benefits of PBB

2019 N=1326, 2020 N =1293

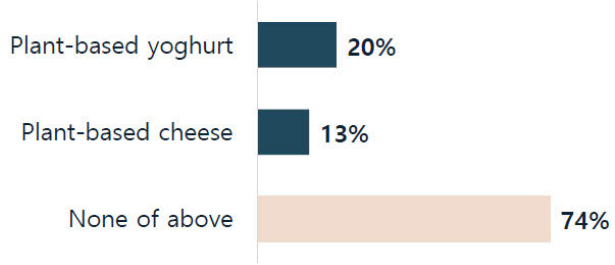
PLANT BASED ALTERNATIVES TO YOGHURT AND CHEESE

Dairy Australia

Those who purchase dairy alternatives products



Types of alternative dairy products typically bought



Main reasons for buying plant-based cheese

Among those who buy alternative cheeses

Main reasons for buying plant-based yogurt

Among those who buy alternative yogurt

2020 - Reasons among those who buy cheese alternatives N=177 and yoghurt alternatives N =244

The Codex General Standard for the Use of Dairy Terms - Its nature, intent, and implications

Key messages:

- Codex Committee on Milk and Milk Products developed The Codex General Standard for Use of Dairy Terms (GSUDT) to ensure that dairy terms were being accurately applied to dairy products
- The definition of milk in the GSUDT refers to "normal mammary secretion of milking animals obtained from one or more milkings"
- The general principle laid down in the GSUDT is that dairy terms are reserved to milk and milk products conforming to this definition
- Common dairy terms (e.g., milk, cream, cheese, specific cheese names, butter, yogurt, etc.) are reserved for products that are made from milk and milk products because applying these terms to other products fundamentally misleads consumers
- The GSUDT should be interpreted and applied correctly to limit the potential misuse of dairy terms
- National authorities are encouraged to take this into consideration in order to ensure fair practices in food trade and provide consumers with the confidence that they are getting the quality and nutritional value they expect when they buy dairy products.

Background and objectives

The Codex General Standard for Use of Dairy Terms (1) (GSUDT) provides guidance on the correct use of terms that are universally identified with dairy products. It was developed by the Codex Committee on Milk and Milk Products (CCMMP) in the late 1990s given increasing need to ensure that dairy terms were being accurately applied to dairy products and to limit the potential misuse of dairy terms on products that do not contain milk or its derivatives.

At a time when confusing marketing and naming practices are increasingly being used to describe imitation products and capitalize on the positive health perceptions of dairy, it is more important than ever for policymakers, food business operators and enforcement authorities to interpret and apply the GSUDT correctly.

GSUDT scope and core principle

The GSUDT addresses categorization, labeling and promotional information for dairy foods and non-dairy foods that seek to use dairy terms. It is important to note that the scope applies to milk and milk products for further processing (intermediate dairy products and bulk products intended for further processing) as well to dairy foods and non-dairy foods for the end-consumer. The GSUDT does not apply to products intended for non-human-food uses such as animal feed or medical products.

Consistent with the Codex General Standard for the Labelling of Prepackaged Foods (2), a core principle of the GSUDT is that foods shall be described and presented in a manner that ensures consumers are not misled or confused. Labeling of dairy products or non-dairy products using dairy terms shall not be false, misleading, deceptive, or create an erroneous impression regarding its character in any respect, including being suggestive of any other product with which the food might be confused.

When naming modified dairy products, descriptors or qualifiers shall be included on the label of the product if their omission would mislead or confuse consumers. Common necessary qualifiers are needed when milk or dairy products are modified in the following ways: source species declarations (e.g., goat, buffalo), compositional modification (e.g., lactose free or modification of fat content, change in water content), modification of nutritional properties, extension of shelf life or change in physical conditions.

GSUDT definitions and application to dairy products

The use of terms explained in the GSUDT include: "milk," "milk product," and "reconstituted milk products," "recombined milk products" and "composite milk product." The GSUDT is also clear that only products meeting the provisions of relevant Codex product Standards for milk and milk products may use the standardized name or term. Codex maintains 35 product standards for dairy products including cheeses, creams, fermented dairy products, dairy ingredients, and butter/spreads. Nearly all of these standards contained detailed compositional requirements (3).

Use/Misuse of Dairy Terms when Applied to Non dairy Products

The general principle laid down in the GSUDT is that dairy terms are reserved to milk and milk products. Products that do not contain milk or permitted milk constituents, but use dairy terms are not in compliance with the GSUDT (4). In other words, common dairy terms (e.g., milk, cream, cheese, specific cheese names, butter, yogurt, etc.) are reserved for products that are made from milk and milk products because applying these terms to other products fundamentally misleads consumers. Examples of common mis-uses of terms that are not permitted by the GSUDT can be found in the table at the end (please note that these examples are non-exhaustive) (5).

Further, with the introduction of cultured and lab-grown ingredients that seek to compete with milk and dairy foods, it is necessary to recall that the definition of milk in the GSUDT refers to "normal mammary secretion of milking animals obtained from one or more milkings…" (6). This means that products that are not "normal mammary secretions" obtained by milking animals do not fit the definition of milk found in the GSUDT. Finished products that do not contain dairy, but do contain cultured and lab-grown ingredients, would not meet the terms of the GSUDT to be labeled as milk or milk products.

Why accurate naming is essential

Ensuring that national or regional legislation/regulation is consistent with the principles of the GSUDT helps to:

- Minimize the potential for consumers to be misled
- Recognize the unique nutritional value of dairy and its proven health benefits and safeguard for potential negative health impacts from imitation products
- Meet international trade obligations

As more and more dairy imitators are being marketed around the globe, it is essential to understand international consensus on the use of dairy terms, reevaluate practices in the marketplace, and to take specific action to ensure consumers are not misled. A process of frequent reevaluation, particularly as new technologies are applied to the marketplace, will protect consumers, ensure fair practices in food trade and provide consumers with the confidence that they are getting the quality and nutritional value they expect when they buy dairy products.

For further information please refer to the IDF Bulletin 507/2020.

Misuses of designations

- The name "butter", "vegetable butter", "vegetable-based butter", "plant butter" and "butter blend" for fat spreads containing vegetable oil
- The designations "vegetable oil cheese", "rice cheese", "plant-based cheese", and "margarine cheese"
- The margarine names "rama" (7), "edelram", "butella", "beurrine" and "cremex" (according to the language in the country of sale)
- The name "coffee creamers" for coffee whiteners without milkfat
- The names " oat milk", "almond yoghurt", "soy cream", "oat milk" and "rice milk" for plant -based products
- The name or statement "Camembert alternative" or other similar expressions such as "style", "type", "method", "imitation", "flavor", "substitute" or "like".
- The name "dairy free coconut yoghurt"
- The terms "milk" or a name of a milk product as the name of finished consumer products that do not contain dairy ingredients and are produced from cultured or lab-grown ingredients (8)

Deliberate misspelling of designations

- Mylk – M*lk
- Frawmage – cheeze
- Camemvert
- Mozzarizella

Descriptions of the use or the functionality

- "Made exactly like butter"
- "Real alternative to cream"
- "Like cheese", "like butter", etc.

Descriptions on non-dairy products that demean or discredit dairy products

- An illustration of a cow with a dash over
- Statements like: "the creamy taste of cream without the bad conscience" or "contains none of the less good"
- Campaigns such as "equal to milk but made for humans"

General presentation of products

- Pictures of cows, churns, milk cans, etc. on the package of non-milk products
- Statements such as "Think cow's milk… without the cow and milk part"

Endnotes

(1) CXS 206-1999 Available at: http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252F-sites%252Fcodex%252FStandards%252FCXS%2B206-1999%252FCXS_206e.pdf

(2) CXS 1-1985. Available: http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fco-dex%252FStandards%252FCXS%2B1-1985%252FCXS_001e.pdf

(3) A complete list of Codex dairy standards is available here: http://www.fao.org/fao-who-codexalimentarius/codex-texts/list-standards/en/

(4) Some specific exemptions are provided for traditionally named products (cocoa butter, canned coconut milk/cream). These exemptions are provided because of both long-established practice and since these products are not typically marketed as replacements/substitutes for the dairy terms utilized.

(5) Examples provided not intended to be exhaustive.

(6) CXS 206-1999.

(7) The term “rama” is very close to the German name for cream “rahm”.

(8) With the introduction of cultured and lab-grown ingredients that seek to compete with milk and milk products, it is necessary to recall that the definition of milk, refers to “normal mammary secretion of a milking animal (or animals) obtained from one or more milking’s…” This means that products that are not “normal mammary secretions” and obtained by milking an animal or animals do not fit the definition of milk stated in the GSUDT. Finished consumer products that do not contain dairy ingredients, but do contain cultured or lab grown ingredients, would not meet the terms of the GSUDT to be labeled as milk or milk products.

507
2020

Bulletin

of the International Dairy Federation

The Codex General Standard for the Use of Dairy Terms
Its nature, intent and implications

The Codex General Standard for the Use of Dairy Terms Its nature, intent and implications

The Codex General Standard for the Use of Dairy Terms Its nature, intent and implications

Issue number/edition: 507/2020
Date published: November 2020

Published by the International Dairy Federation (IDF) AISBL, Silver Building, Boulevard Auguste Reyers 70/B, B-1030 Brussels, Belgium.
www.fil-idf.org

No responsibility for loss or damage caused to any person acting or refraining from action as a result of the material included in this publication can be accepted by the authors or IDF. This guidance was produced by the IDF Standing Committee on Standards of Identity and Labelling.

Edition published in November 2020.
ISSN 0250-5118

ACKNOWLEDGEMENTS

Thanks to the invaluable contribution of members of the International Dairy Federation (IDF), Standing Committee on Food Standards and Labelling who have prepared this report, and Claus Heggum (DK) who drafted this report with the assistance of, in spacing :

- J Campbell (NZ)
- J Hill (NZ)
- C Zhang (NZ)
- C Busse (DE)
- J Rieke (DE)
- J Gerritsen (NL)
- C Thompson (US)
- N Gardner (US)
- M Grivier (FR)
- E Treuil (FR) and
- M Cameron (AU)

IDF also expresses its thanks to all IDF National Committees who have unanimously approved the publication in response to IDF Questionnaire 0920/SCSIL, November 2020.

The Codex General Standard for the Use of Dairy Terms
Its nature, intent and implications

ABSTRACT

Nutritional value, functional properties and sensory characteristics of dairy products contribute to the good market position they enjoy. But imitations can pose potential health risks, and it is important that the consumer is not misled by the misuse of dairy names. The objective of The Codex General Standard for the Use of Dairy Terms is to determine where, when and how dairy terms may be used and where they may not. This issue of the Bulletin of IDF provides information on the nature, intent and possible implications of the GSUDT in the context of national, regional and international trade, including its status in relation to the WTO Technical Barriers to Trade Agreement (TBT).

The principles of the application of dairy terms are discussed, with examples, in relation to milk products, composite milk products and other foods. Their application to milk products with modified composition (for example, fat reduced, protein enriched, etc.) is also covered, with examples. The text of the Codex GSUDT is included as an appendix. Throughout the text reference is also made to the relevant provisions of the Codex General Standard for Labelling Prepackaged Foods (GSLPF).

This report is intended for legislators working on labelling matters in the national context, the regional context and the international context as well as for legal specialists in food companies and in trade associations concerned with these issues.

Keywords: *advertising, butter, cheese, Codex, coffee whiteners, condensed milk, cream, dairy, dried milk, evaporated milk, food legislation, GSLPF, labelling, low-fat, milk, milk powder, milk products, TBT, WTO, yoghurt.*

38 pages (A4) in English

Bulletin of IDF N° 507/2020 – Price: Free of charge

CONTENTS

Subscription price for the electronic version of the 2020 Bulletins : 600 Euro for all issues.
Place your order at : INTERNATIONAL DAIRY FEDERATION AISBL / FEDERATION INTERNATIONALE DU LAIT.
Boulevard Auguste Reyers, 70/B - 1030 Brussels (Belgium)
Telephone : +32 2 325 67 40 - E-mail : orders@fil-idf.org - http://www.fil-idf.org

FOREWORD

The natural origin, nutritional value, functional properties and sensory characteristics of milk and milk products have created the uniquely positive consumer perception and strong market position of milk and milk products all over the world.

Codex Alimentarius adopted The Codex General Standard for the Use of Dairy Terms (GSUDT) in 1999 corresponding to its mandate to ensure the correct use of dairy terms intended for milk and milk products to ensure fair practices in the food trade and to protect consumers from being confused or misled by the use of dairy terms on non-dairy products.

The Codex GSUDT is globally recognized and has therefore been implemented in the regulations or policies of many countries all over the world. This protection of the integrity of dairy is vital, given that the production and placement on the market of imitations can pose potential health risks for consumers.

The clear rules as laid down in the GSUDT provide an internationally accepted framework to protect the integrity of milk and milk products against nutritionally inferior imitation products that attempt to take advantage of the natural and healthy image of milk and milk products. Its application assists consumers all over the world in making their own purchasing decisions regarding milk products versus non-milk products and it ensures fair practices in the food trade.

IDF bulletin 507/2020 supports the sector in avoiding any erroneous use of dairy terms for non-milk products. It gives details on the GSUDT, covering both labelling and promotional information about for further processing as well as foods for direct consumption, and information on application of the terms "milk", "milk product", "composite milk product", "reconstituted milk product", "recombined milk product" and "dairy terms" and other information related to the interpretation of Codex GSUDT.

We hope you find it useful.

Caroline Emond, IDF Director General

INTRODUCTION

The Codex General Standard for the Use of Dairy Terms (CODEX STAN 206) - also known in short as the GSUDT - is one of the most important Codex texts for the dairy sector, the objective being to determine where, when and how dairy terms should be used and where they should not, but also to provide a general framework for the designation of dairy products.

As the GSUDT itself can appear highly compressed, the release of this Bulletin by the IDF intends to provide the reader with information on the nature, content and possible implications of the GSUDT in the context of national, regional and international trade, including its status in relation to the WTO Agreement on Technical Barriers to Trade (TBT Agreement[1]).

The natural composition of milk and milk products is protected by the GSUDT in the interests of producers and consumers and to facilitate fair trade practices. This protection of dairy terms ensures appropriate labelling (including promotional activities) and prevents the consumer from being misled. Therefore, milk and milk products in general are defined in the GSUDT and the designations needing to be reserved for them are clarified. Through traditional usage, dairy terms have been used in the naming of certain non-dairy products, the exact nature of which is well known to consumers. Codex found it necessary to address these foods in the GSUDT to avoid any confusion between milk products and other food products in trade and in the mind of the consumer, including those consisting partly of milk components. The GSUDT aims to protect the consumer and establish conditions of fair competition between milk products and competing products in the field of product designation and labelling (including promotional activities) which will avoid any distortion world-wide.

The principles of the application of dairy terms are discussed, with examples, in relation to milk, milk products, composite milk products and non-dairy foods. Their application to milk products with modified composition (for example, fat reduced, protein enriched, etc.) is also covered, with examples. The text of the GSUDT is included at Annex 1. Throughout the text, reference is also made to the relevant provisions of the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1), known in short as the GSLPF.

This Bulletin is intended for legal and labelling specialists in food companies and in trade associations concerned with these issues, as well as for competent authorities working on labelling matters in the local, national, regional and international context.

This Bulletin was prepared by an Action Team of IDF within the Standing Committee on Standards of Identity and Labelling and is based on the state of play as of September 2020. It replaces the previous Bulletin of IDF No. 397 of 2005.

National and regional law on the Use of Dairy Terms is summarized and reflected in the parallel IDF Bulletin "Survey about national and regional law on the Protection of Dairy Terms".

ABBREVIATIONS USED:

CAC – Codex Alimentarius Commission
CCMMP – Codex Committee on Milk and Milk Products
FAO – Food and Agriculture Organization of the United Nations
GSFA – Codex General Standard for Food Additives
GSLPF - Codex General Standard for the Labelling of Prepackaged Foods
GSUDT - Codex General Standard for the Use of Dairy Terms
TBT Agreement – WTO Agreement on Technical Barriers to Trade
WHO – World Health Organization
WTO – World Trade Organization

SUMMARY

Background and Objectives:

The GSUDT provides guidance on the correct use of terms which are universally identified with dairy products. It was developed by the Codex Committee on Milk and Milk Products (CCMMP) in the late 1990s as a result of an increasing need to ensure that dairy terms were being accurately applied to dairy products and to limit the potential misuse of dairy terms on products which do not contain milk or its derivatives.

The GSUDT is reproduced in Annex 1.

At a time when confusing marketing and naming practices are increasingly being used to describe imitation products and capitalize on the positive heath perceptions of dairy, it is more important than ever for policymakers to interpret and apply the GSUDT effectively.

GSUDT Scope and Core Principle:

The GSUDT addresses categorization, labelling and promotional information for dairy foods and non-dairy foods which seek to use dairy terms. It is important to note that the scope applies to milk for further processing (intermediate dairy products and bulk products intended for further processing), as well as to dairy foods and non-dairy foods for the end-consumer. The GSUDT does not apply to products intended for non-human-food use such as animal feed or medical products.

Consistent with the GSLPF[2], a core principle of the GSUDT is that foods shall be described and presented in a manner that ensures consumers are not misled or confused. Labelling of dairy products or non-dairy products using dairy terms must not be false, misleading,

2 Available at: http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCXS%2B1-1985%252FCXS_001e.pdf

deceptive or create an erroneous impression regarding its character in any respect, including being suggestive of any other product with which the food might be confused.

When naming modified dairy products, descriptors or qualifiers shall be included on the label of the product if their omission would mislead or confuse consumers. Common necessary qualifiers are needed when milk or dairy products are modified in the following ways: source species declarations (e.g., goat, buffalo), compositional modification (e.g., lactose free or modification of fat content, change in water content), modification of nutritional properties, extension of shelf life or change in physical conditions[3].

GSUDT Definitions and Application to Dairy Products:

The use of terms explained in the GSUDT include: "milk", "milk product", and "reconstituted milk products", "recombined milk products" and "composite milk product". The GSUDT is also clear that only products which meet the provisions of the relevant Codex product Standards for milk and milk products can use the standardized name or term. Codex maintains thirty five product Standards for dairy products including cheeses, creams, fermented dairy products, dairy ingredients and butter/spreads. Nearly all these standards contain detailed compositional requirements[4].

Use/Misuse of Dairy Terms when Applied to Non-dairy Products:

The general principle laid down in the GSUDT is that dairy terms are reserved for milk and milk products. Products which do not contain milk or permitted milk constituents, but use dairy terms are not in compliance with the GSUDT[5]. In other words, common dairy terms (for example, milk, cream, cheese, specific cheese names, butter, yogurt, etc.) are reserved for products that are made from milk and milk products, because applying these terms to other products fundamentally misleads consumers. Examples of the common misuse of terms that are not permitted by the GSUDT are provided in ***Examples of misuse***.

Furthermore, with the introduction of cultured and lab-grown ingredients that seek to compete with milk and dairy foods, it is necessary to recall that the definition of milk in the GSUDT refers to "*normal mammary secretion of milking animals obtained from one or more milkings...*" This means that products which are not "normal mammary secretions" obtained by milking animals do not fit the definition of milk found in the GSUDT. Finished products that do not contain dairy, but do contain cultured and lab-grown ingredients, would not meet the terms of the GSUDT to be labelled as milk or milk products.

3 This list is not intended to be exhaustive.
4 A complete list of Codex dairy Standards is available at Annex 2
5 Some specific exemptions are provided for traditionally named products (cocoa butter, canned coconut milk/cream). These exemptions are provided because of both long-established practice and since these products are not typically marketed as replacements/substitutes for the dairy terms utilized.

Why Accurate Naming is Essential

Ensuring that national or regional legislation/regulation is consistent with the principles of the GSUDT helps:

- Limit the potential for consumers to be misled about the type and intrinsic characteristics of the products they purchase;

- Avoid dietary shortfalls or negative health impacts which could result from substitution of dairy imitators that lack the high-quality and bioavailable protein, calcium, phosphorus, potassium, iodine and vitamins B_2 and B_{12} found in dairy products. While dairy product consumption has been shown to have long-term health benefits, these benefits have not been demonstrated for imitations of milk products; and

- Meet the requirements under the TBT Agreement for accurate and justified product labelling.

As more and more dairy imitators are being marketed around the globe, it is essential to understand international consensus on the use of dairy terms, reevaluate practices in the marketplace and take specific action to ensure consumers are not misled. A process of frequent reevaluation, particularly as new technologies are applied to the marketplace, will protect consumers, ensure fair practices in food trade and provide consumers with the confidence that they are getting the quality and nutritional value they expect when they buy dairy products.

1 BACKGROUND

Since the invention of margarine (at that time referred to as "artificial butter"), many developments in food technology have focused on obtaining sensory qualities similar to a number of milk products using a variety of non-dairy raw materials. This trend has accelerated in recent years, augmented by confusing or misleading marketing campaigns which seek to position products that are not derived from milk in direct competition with, or to suggest these products are superior to, dairy products. In fact, the nutritional value of these non-dairy products is very different and might be inferior to their dairy-based original products.

Milk and milk products have a high nutritional value, unique functional properties and very positive characteristics and sensory appeal (i.e., smell, taste, texture). In consequence, milk products have achieved a significant market position and share in countries with historic, as well as in those with expanding consumption of dairy products. This market position makes production of sometimes cheaper - but nevertheless nutritionally inferior imitations - very lucrative. Consequently, it is tempting for marketers of non-dairy products to take advantage of misleading marketing practices when attempting to portray these products as dairy substitutes. This has driven a recent surge in development and marketing of imitation products which the global dairy sector considers misleading to the consumer. More recently, the marketing of some imitation products make claims that they are healthier and more CO_2 friendly than the products they imitate, but this is not addressed by the GSUDT.

The GSUDT of 1999 was developed in order to clarify and provide guidance on the correct use of terms which are universally identified with dairy products. Correct utilization of the GSUDT will help ensure that consumers around the world have a clear understanding of the type and intrinsic characteristics of the products they are purchasing and consuming – both dairy-based and non-dairy-based.

For forty five years, the Codex Code of Principles concerning Milk and Milk Products provided a framework for the standardization and composition of milk and milk products. This Code played an important role in avoiding confusion between dairy products and non-dairy foods, including imitations of, and substitutions for, milk and milk products. In this role, the Code protected consumers against misleading practices and fraud.

The Code was established in 1958 by FAO and WHO and was the very first international food standard text. During its time of existence, seventy three countries formally accepted the Code and the principles laid down in it were implemented in the legislation of many countries and regions.

In 1994, the 1st session of the newly established CCMMP decided to initiate a thorough revision of the Code, as it existed then. The reasons for this were evident, as there was a need to:

- align the content with the General Principles of Codex and generic Codex texts following the restructuring of the former Joint FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products into a regular Codex Committee (the CCMMP);

- remove optional clauses, unnecessary details and improve the scientific basis to comply with the general policy adopted by the Codex Alimentarius Commission (CAC) following an international conference in 1991 (FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade – Melbourne[6]);

- remove provisions that duplicated other Codex texts; and

- remove the differentiation between cows´ milk and milk from other animal species (for example, goats and buffaloes).

The draft revision was put forward for adoption in 1997 by the 3rd session of the CCMMP. The Codex Alimentarius Commission subsequently adopted the draft in June 1999 as the GSUDT.

2 OBJECTIVES OF THE GSUDT

The main function of the GSUDT is to ensure the correct use of names and terms commonly recognized and intended for milk and milk products when they are used in the label or labelling[7] of milk, milk products, composite milk products or applied to other foods. The main objective is to protect consumers from being misled and to ensure fair trade practices by specifying internationally accepted guidelines for the use of dairy terms on food labels

In addition, other functions of the GSUDT include providing an international reference standard intended for application within the framework of the TBT Agreement[8], and general principles for applying the Codex Standards for individual milk products[9].

As the adoption of Codex Standards into national legislation is voluntary, although highly encouraged, it is important to note that the GSUDT does not confer any legal obligations independently, nor does it specify requirements for manufacturing or restrict production of any product. The GSUDT does not endorse any specific technologies or treatments, nor does it prohibit them. It is only concerned with the naming of dairy products and the correct use of dairy terms in other foods. Any technical or compositional restrictions which are considered to be necessary have to be made within the Standards for the individual milk products concerned.

3 STATUS IN TERMS OF THE TBT AGREEMENT

As an adopted international Standard, all provisions of the GSUDT are relevant in the context of the WTO TBT Agreement.

A basic principle of the TBT Agreement is that **technical measures**[10] should not be more restrictive than necessary to fulfill a **legitimate objective**[11] such as the prevention of deceptive practices. Measures should be established in a manner that is transparent to other governments to avoid disguised protection of domestic production and arbitrary decisions. In general, national measures meet the test of being "not more restrictive than necessary" when they are aligned to an international Standard.

The TBT Agreement does not make reference to any particular international standards-setting body as the "bench-mark". However, with regard to food labelling, it is generally recognized that the Codex Alimentarius publishes important reference Standards for the application of the TBT Agreement.

Because Codex Standards, including the GSUDT, are regarded as sufficient in the context of international trade in food to fulfill the "legitimate objective" of preventing deceptive practices, countries that are signatories of the TBT Agreement are encouraged to use the GSUDT as a basis for their relevant technical regulations. However, it should be recognized that countries are within their legal rights to develop different approaches to the acceptable use of dairy terms when they can justify those variances.

The TBT Agreement provides individual countries with opportunities to justify appropriate labelling requirements, independent of the existence of a Codex reference text, when the local conditions in individual countries provide the necessary justification (a ***Legitimate Objective***[11]) to deviate from a Codex text. The adoption by CAC of a Codex Standard merely serves the purpose of making it easier for a country to justify its technical regulations where it chooses to harmonize with Codex.

4

THE SCOPE OF THE GSUDT

The GSUDT covers the categorization, food label and labelling and associated promotional information of dairy and non-dairy foods which seek to use dairy terminology. Terminology used in other types of food regulation and official documentation (for example, standards for additives) should be in conformity with the GSUDT.

It is important to note that the scope applies to foods for further processing as well as to foods for the end-consumer. The provisions therefore apply to the food label and labelling of intermediate dairy products, non-retail containers, including bulk products intended to be consumed as foods after subsequent further processing/preparation. The GSUDT does not apply to products intended for non-human-food uses (for example, animal feed, medical products and textiles, etc.).

5 DEFINITIONS

The GSUDT defines the "dairy terms" and the basic groups of dairy products "milk", "milk product", "recombined milk product", "reconstituted milk product" and "composite milk products".

5.1. DAIRY TERMS

The GSUDT defines dairy terms as *"names, designations, symbols, pictorial or other devices which refer to or are suggestive, directly or indirectly, of milk or milk products"* (Section 2.6).

Examples (non-exhaustive list) of symbols that are associated with dairy are:

- Milking animals.
- Product images of distinctive products, such as cheese.
- Glass milk bottles, milk cans, butter churns, etc.

5.2. PLAIN DAIRY PRODUCTS

Milk is defined as *"the normal mammary secretion of milking animals obtained from one or more milkings without either addition to it or extraction from it, intended for consumption as liquid milk or for further processing"* (Section 2.1).

At first glance and without reference to Sections 4.2.2 and 4.2.3, this definition describes "raw milk" which has not undergone any kind of heat treatment or other processing. Liquid milk that has been subjected to a treatment is classified as a "milk product". However, the term "milk" is widely used as the designation for "drinking milk" (or "fluid milk") even when it has been subjected to certain treatments. It was therefore necessary for the CCMMP to consider additional provisions which allow for the continued use of the term "milk" in the naming of these products ***(see Section 7.2 of this Bulletin)***.

The mammary secretion of any mammal that is subjected to milking is covered by this definition. Such animals include cows, ewes, goats, buffaloes, camels, yaks, zebu, reindeer, llamas, mares, etc. It is important to keep this definition in mind because most milk product Standards state that the product can be made from milk as understood by this definition.

Milk product is defined as *"a product obtained by any processing of milk, which may contain food additives, and other ingredients functionally necessary for the processing"* (Section 2.2).

Although a milk product must be made from milk, the definition does not prevent the milk from being subjected to various processing steps before it becomes an end product.

Codex milk product Standards specify which food additives or classes of food additives are technologically justified. In the future (an ongoing process), all food additive permissions will be transferred from the individual Codex milk product Standards and into the Codex General Standard for Food Additives (GSFA) (Codex Stan 192). The objective is to establish a single reference standard for food additives.

The other ingredients that are functionally necessary for the milk product and/or its manufacturing process might include (but are not limited to) processing aids, cultures, salt and gelatin. The addition of a substance such as gelatin, in excess of what is functionally necessary, is regarded to be a replacement of milk constituents and will result in that product becoming a non-dairy food which is subject to the provisions in Section 4.6.3 of the GSUDT.

Other additions such as characterizing ingredients, including spices, flavouring foods, sweeteners and/or flavours, are not functionally necessary for the manufacture of a milk product but might be added to appeal to consumers. When added, and provided that they do not replace milk constituents in whole or in part, and provided that the milk, milk products or milk constituents remain an essential part in terms of quantity in the final product , the milk product is classified as a "composite milk product" ***(see Section 5.3 of this Bulletin)***. However, in limited cases, non-dairy substances that are generally associated with flavouring foods, but provide another technological effect, are determined functionally necessary and thus, permitted for use in products conforming to the definition of a milk product. One example is sugar in Sweetened Condensed Milk (CODEX STAN 282), which is added for the purpose of preservation and not to impart a sweet taste.

The GSUDT also includes definitions for **recombined and reconstituted** milk products (Sections 2.4 and 2.5). These terms can be applied to dairy products in accordance with Section 4.4 of the GSUDT - Use of terms for reconstituted and recombined milk products ***(see Section 7.7.2 of this Bulletin)***.

5.3. COMPOSITE MILK PRODUCTS

A composite milk product is defined as *"a product of which the milk, milk products or milk constituents are an essential part in terms of quantity in the final product, as consumed provided that the constituents not derived from milk are not intended to take the place in part or in whole of any milk constituent"* (Section 2.3).

This definition hinges on what is understood to be an "essential part in terms of quantity" in the final product and is usually dependent on a number of factors, such as:

- the need to characterize and clearly identify the final dairy product for the final consumer or user;
- the nature of the milk product (for example, dry matter content, flavour intensity);
- the nature of the added non-dairy food (for example, dry matter content, flavour intensity).

The non-milk constituents should not, in whole or in part, take the place of any milk constituent. Therefore, other foods and substances which are acceptable include those that provide additional characteristics to the dairy product, such as characterizing ingredients (for example, flavouring foods, spices, herbs and flavours)[12].

Where a non-dairy component is added with the intention of replacing milk constituents (for example, milk fat, milk protein), the use of dairy terms for the resulting food should be guided by Section 4.6 of the GSUDT ***(see Section 8 of this Bulletin)***.

12 "Sweetened condensed milk" (CODEX STAN 282) is a milk product, not a composite milk product, whereas "sweetened fermented milk" (CODEX STAN 243) is a composite milk product.

6 GENERAL PRINCIPLES

One of the fundamental principles of the GSLPF is that food must be described and presented in such a manner as to ensure that consumers are not misled or confused. No labelling shall be false, misleading, deceptive or create an erroneous impression regarding its character in any respect, including being suggestive of any other product with which the food might be confused.

The statement above is the foundation of many of the provisions of the GSUDT, including the general principle in Section 3, which emphasizes that a general objective of the Codex Alimentarius is to ensure that consumers are not misled, for example, ensuring fair practices in food trade. This provision is specifically reflected in the GSUDT to ensure that the principle applies to all milk products, composite milk products, foods that utilize dairy ingredients and foods which imitate milk products or dairy ingredients.

7

APPLICATION OF DAIRY TERMS FOR DAIRY PRODUCTS

A major part of the GSUDT (Sections 4.1 to 4.5) is dedicated to the naming of dairy products. Provisions that go further from the horizontal[13] labelling provisions of the GSLPF do so because they stipulate additional requirements to, or provide further details or interpretations of, the horizontal provisions found in the GSLPF.

7.1. GENERAL REQUIREMENTS FOR THE NAMING OF FOODS

Section 4.1.1 of the GSUDT reinforces the naming provisions of the GSLPF.

According to Section 4.1.1 of the GSLPF, the name of any food shall indicate its true nature and must normally be specific and not generic.

The name applicable to a food -should be chosen using the following hierarchy:

1. The priority shall be the name established by Codex. If there is a Codex commodity Standard established which specifies the name of the food, this name shall be used[14].

2. Where a Codex Standard has not been established, the name prescribed by national legislation applies. (In this case, the same product may be named differently in different countries).

3. Where no Codex Standard exists and if national legislation does not stipulate the name, the name shall be chosen from among the two options below:

- a common or usual name existing by common usage; or
- an appropriate descriptive term that is not misleading or confusing to the consumer.

13 The term "horizontal provision" means a provision that is applicable to (all) foods in general.

14 Codex Commodity Standards, which function like standards, have been established for many milk products; however, these standards do not mandate the use of the names they contain but specify the technical criteria and conditions that should be observed when the names are used (see, in addition, Section 8.3 of this Bulletin).

The provisions of the GSUDT apply to all three levels of the above hierarchy. It is important to note that there are a significant number of Codex dairy Standards which contain additional requirements for the labelling of dairy products falling within the specific standards.

7.2. NAMING OF DAIRY PRODUCTS COMPLYING WITH THE DEFINITION OF MILK (THAT IS, RAW MILK)

Section 4.2.1 of the GSUDT stipulates that only foods complying with the definition for milk can be named "milk" (that is, without qualification).

Note: Sections 4.2.2 and 4.2.3 of the GSUDT allow, and provide the conditions for the use of the term "milk" in the naming of certain milk products ***(see Section 7.5 and Section 7.8.1 of this Bulletin)***.

Without further provisions, this would result in raw milk being designated just "milk" and pasteurized milk being designated "pasteurized milk" in accordance with the general naming provisions of the GSLPF (Section 4.1.2) which require additional wording to describe the changed nature of milk (heat treatment). However, in most countries, the term milk is used unqualified as the name of the pasteurized product. In addition, the nature of the prepackaged "milk" is not changed compared to "raw milk", as it has not received any further processing. To accommodate this practice, section 4.2.1 of the GSUDT states that the qualifier "raw" should be added to the name when the milk offered for sale has not been heat treated ***(see also Section 7.5 of this Bulletin on the naming of modified dairy products)***. This statement has no labelling consequences for raw milk used for processing but identifies an important distinction in terminology and should be applied to raw milk sold in bulk and when offered for sale directly to consumers or for catering purposes.

7.3. APPLICATION OF THE NAMES SPECIFIED BY THE CODEX MILK PRODUCT STANDARDS

Section 4.3.1 of the GSUDT states that the names specified in the Codex commodity Standards for milk products can be used only if the product complies with the corresponding Standard. In other words, the use of a name specified by a Codex milk product Standard is optional, but if a milk product is assigned such a name, then all provisions of the Standard in question should be adhered to. If the same product is assigned a name that is different from the name specified in a Codex milk product Standard, then the provisions of the Standard do not apply.

This clarification in section 4.3.1 is needed to accommodate for the fact that product names specified by Codex commodity Standards are optional and not exhaustive. Without this specification, the general approach under Section 4.1.1.1 of the GSLPF would apply, which stipulates that it is mandatory to use at least one of the names established for a food in a Codex Standard. This general approach would result in a requirement that

a cheese which meets the compositional and other specifications for a variety cheese (for example, Camembert) should have that name assigned to it. However, many of the variety cheeses regulated by Codex are named differently in some countries. Thus, the application of the general principle of naming foods as specified by the GSLPF, would be counteractive for trade. The main objective of Codex milk product Standards is to define name/product combinations ensuring that, when a name is used, the product will comply with the specifications of the relevant Standard.

7.4. NAMING OF MILK PRODUCTS WHICH ARE NOT COVERED BY A SPECIFIC CODEX COMMODITY STANDARD OR NATIONAL STANDARD OF IDENTITY

Products that, for whatever reason, do not fall under the scope of one or more of the existing milk product standards (Codex commodity Standards or national standards of identity), must be assigned appropriate, non-misleading names. Non-misleading names would be names that are either the common or usual name (existing in common usage) or an appropriate descriptive term which is not misleading or confusing to the consumer. Competent authorities do not provide the specific designations of such products and, in consequence, it is typically the manufacturer and/or packer who identify them. The GSUDT provides important direction on the proper use of dairy terms under this circumstance.

The only option available to the manufacturers of such products is often a descriptive designation, as commonly used names may not have been established.

The principles of the GSUDT apply equally to these products, including naming of milk products which have been compositionally modified and naming of composite milk products.

The GSUDT does not provide specific regulation for the use of names established by competent authorities when these are used in descriptive naming constructs which include established names of other milk products. Nevertheless, Sections 4.6.3 and 4.6.4 do provide rules in this respect for any non-dairy product, where the use of milk product names is allowed only if the non-dairy food actually does contain the named milk product in question as an ingredient. Reference to the same dairy product name which is the subject of imitation is not allowed, for example, "vegan cheese".

7.5. NAMING OF MODIFIED DAIRY PRODUCTS

In order to prevent misleading the consumer in the case of modified dairy products, Section 4.1.2 of the GSLPF states the conditional obligation to use appropriate descriptors in addition to the name. It reads:

"There shall appear on the label either in conjunction with, or in close proximity to, the name of the food, such additional words or phrases as necessary to avoid misleading or

confusing the consumer in regard to the true nature and physical condition of the food including but not limited to the type of packing medium, style, and the condition or type of treatment it has undergone for example: dried, concentrated, reconstituted, smoked."

The situations in which the consumer could be considered to be misled are obviously a question of frequent and ongoing debate, and perceptions differ from country to country, depending on traditions, cultural idiosyncrasies and linguistics.

When deciding which descriptors (qualifiers) should be required or not required in the name, at minimum the following three factors should be taken into account:

1. The type of product;

2. Whether the identity (nature) of the product is different from a reference (the "normal") product familiar to the consumer; and

3. Whether the modification made (compared to the reference product) affects the intended use, shelf life, nutritional properties, taste or similar attributes in a way that changes the nature of the product to a significant degree.

The general approach is to evaluate the need for a descriptor (qualifier) according to the above listed three factors. This approach results in certain descriptors being mandatory in some cases, while in others they are not necessary[15]. Some examples of descriptors (qualifiers) relevant for milk products based on the above factors are provided in the table below.

15 The naming consequences of some modifications of milk products are specifically addressed by the GSUDT. This concerns certain raw material modifications (see Section 7.7 of this Bulletin) and compositional modifications (see Section 7.8 of this Bulletin).

Examples of descriptors/qualifiers used for milk products

Qualifiers that refer to:	Factor	Example of descriptors	Corresponding reference product
Raw materials used	Animal species origin	"Made from ewes´ milk" "Goats milk ...."	The product made from cows´ milk
A compositional modification	Modified mineral content	"Demineralized"	The product is normally not demineralized
	Modified lactose content	"Lactose free"	The product normally contains lactose
	Fat fractionation	"Spreadable"	The product is normally significantly less spreadable
	Modification of fat content	"Partly skimmed"	Full fat version
		"Cream...."	Milk
	Change of water content	"Dried" or "Powder"	The normal product is a liquid
		"Spreadable"	The product is normally not spreadable
		"Drinkable"	The product is normally too viscous to flow easily
		"Concentrated"	The normal product that has not had water removed
A change in nutritional properties	Addition of micro-nutrients	"Calcium enriched"	The product is normally made without such fortification
	Fat increase	"Double cream" or "high-fat"	The normal product has a lower fat content
	Fat reduction	"Light"	The normal product has a higher fat content
A change in sensory properties	Flavoured	"Fruit...."	Plain version
		"Spiced...."	
		"Sweetened...."	
	Different sensory characteristics	Strawberry Yoghurt	Plain version
		"Acidified"	The product is normally (microbiologically) fermented
	Different technology	"Tangy"	Conventional version of yoghurt
		"Mild"	Conventional version of yoghurt
Extended shelf life	Microbiocidal treatment	"Sterilized" "UHT" "Long life...."	Pasteurized version
A change of physical condition	Made more soluble	"Instant"	Less dispersible version
	Subdivided into parts	"Shredded"	Whole version
		"Sliced"	

7.6. NAMING OF COMPOSITE MILK PRODUCTS

According to Section 4.5 of the GSUDT, composite milk products shall be named by using the designation of the milk product constituting the essential part together with a description of the other characterizing ingredients added (such as, flavouring foods) given in close proximity. The description of the other ingredients may be simplified by, for instance, using a group name.

Some examples are "strawberry yoghurt", "chocolate milk", "spiced cheese", "garlic butter", "vanilla ice cream".

7.7. MODIFICATION IN REGARD OF RAW MATERIALS

The GSUDT specifies two types of modifications related to the raw materials used.

7.7.1. Animal species origin

Section 4.1.2 stipulates the conditional requirement to declare the animal of origin(s) of the milk (or milk products) used in the manufacture of the milk product.

The provision ensures compliance with Section 4.1.2 of the GSLPF as the origin of the milk used might influence the nature of dairy products, including but not limited to its flavour, colour, texture, composition, etc. Labelling is required only where consumers might be misled by the omission. Therefore, the labelling may not be necessary to the extent that consumers anticipate a certain origin (for example, cows' milk in Scandinavia/ US; a mixture of cows'/buffaloes' milk in India; a mixture of various kinds of milk in some African countries).

Other means to address the same issue can be considered as an alternative to labelling, where required. These include reserving a specific variety name for a product made from milk of (a) particular animal origin(s) or, conversely, specifically associating such a name to a product made from milk of any animal species.

As the principle applies to all milk products, the main reason for inserting this provision in the GSUDT was simplification - all milk product Standards would otherwise need to include the same provision.

7.7.2. Recombination/reconstitution

Section 4.4 of the GSUDT addresses the need to declare whether a milk product has been recombined or reconstituted. This provision complies with Section 4.1.2 of the GSLPF.

In general, recombination or reconstitution does not need to be declared on the label. The rationale for this is that most of the milk product Standards permit the use of any milk product as raw material, thus allowing reconstitution as well as recombination without any restriction.

The recommendation is based on the premise that it would not be necessary to use the descriptors "recombination" or "reconstitution" with most products for the following-reasons:

- The raw materials are listed in the ingredients list.
- Most milk products are subjected to several different treatments and processes[16].

However, in certain countries or for specific products where the lack of a statement indicating reconstitution or recombination is considered misleading to the consumer, the provision is worded such that it enables the authorities in these countries to request labelling and/or allows for the inclusion of such requirements in relevant product standards.

7.8. COMPOSITIONAL MODIFICATION

The GSLPF requires the use of appropriate descriptors when a food is modified. Application of this principle with respect to compositional modification is elaborated on in the GSUDT (Sections 4.2.2, 4.2.3 and 4.3.3, respectively). It should be emphasized that, notwithstanding the provisions of these sections of the GSUDT, the general provisions of the GSLPF apply to all other (non-compositional) modifications made to the milk product.

As the GSUDT is not a compositional standard, in general it does not prohibit nor require any particular composition or method of manufacture[17]. It is concerned only with the appropriate use of common dairy terms in the naming of the products (whatever they may be). Consequently, Section 4.2.2 addresses the requirements for use of the term "milk" as such, whereas Section 4.3.3 addresses the naming of any milk product, modified or not, made from raw milk or milk products.

7.8.1. Drinking milk

The general provision in Section 4.2.2 of the GSUDT specifies the conditional use of the term "milk" in the naming of milk which has been modified in composition. It is beyond the scope of the GSUDT to address the kinds of modifications that are allowed.

As no Codex Standard exists for drinking milk, any restrictions (in composition and processing) on this milk product are left to national jurisdiction. The GSUDT stipulates

16 The consumer would normally not be misled by the use of the common name without specific indication of the fact of recombination or reconstitution in the name of the food. Adequate information on the raw materials used is provided in the ingredients list. This approach has been chosen for most other foods as well.

17 One exception is the provision in Section 4.2.3 of the GSUDT concerning suitable technology for protein and fat adjustment.

only that the term "milk" can be used when the composition of a 'milk' has been changed, only if the modification made is clearly stated in close proximity to the term "milk".

Some examples of names of compositionally modified drinking milks which would be allowed in conformity with the GSUDT:

- Whole milk
- Reduced fat milk
- Skimmed milk
- Lactose reduced milk
- Vitamin fortified milk
- Protein enriched milk
- Calcium enriched milk

7.8.2. Other milk products

Like the provision governing compositionally modified milk (Section 4.2.2), Section 4.3.3 of the GSUDT specifies the use of the names of milk products that have been modified in composition. For the purpose of this provision, a "compositionally modified milk product" is a milk product altered in composition compared to the "reference product"[18] .

The name of a milk product should only be used if the following three conditions are fulfilled:

1. A clear description of the modification to which the milk product has been subjected appears in association with the name;

2. The essential product characteristics are maintained; and

3. The product complies with the limits of modification detailed in the standard(s) concerned, as appropriate.

These provisions have two objectives:

1. To emphasize the principle that a milk product differing from the reference (normal, usual, original, predominant) version shall be named with a qualifier in association with the name of the food. This principle follows Section 4.1.2 of the GSLPF.

18 A compositional reference product is the normal, usual, original and/or predominant version of the product that is named with the name unqualified (e.g., "Cheddar", "Whole milk powder", "Whey powder"). In some Codex Standards for milk products, the reference composition is specified, directly or indirectly; in others such differentiation is not incorporated. Where reference composition is specified by a Codex milk product Standard, a statement has been inserted in Section 3 of the Standard that specifies that compositional modifications beyond the minima or maxima specified above for ...[list of parameters]... are not considered to be in compliance with the Section 4.3.3 of the GSUDT.

2. To emphasize the principle that there are limitations to the extent that modifications can be made without altering the main characteristics (basic identity) of the reference product. This principle is important in order not to mislead consumers with regard to the nature (identity) of the product and to ensure fair trade practices. The following examples of naming illustrate some extremes which are not acceptable, and which would not be allowed according to the provision:

   - *"fat-free butter"*, as the main characteristic of butter is milk fat.
   - *"low fat cream"*, as the main characteristic of cream is a higher milkfat content than drinking milk. Consequently, the nutritional claim "low fat" (below 1.5 % fat), as provided for in CAC/GL 23-1997- CODEX Guidelines for Use of Nutrition and Health Claims, cannot be used for cream.
   - *"protein free cheese"*, as the main characteristic of cheese is coagulated milk protein.

Many individual Codex Standards of identity for milk products specify the limits for compositional modifications. Examples include:

Butter[19]:	Min. 80% milk fat; max. 16% water
Preserved milk products:	Min. 34% protein in dry matter
Individual cheese varieties:	Min. fat/fat-free dry matter (FDM); min. dry matter
Creams/Prepared Creams:	Min. 10% fat
Fermented Milks:	Min. 2.7% protein; max. 10% fat (except yoghurt: max. 15% fat)
Concentrated Fermented Milks:	Min. 5.6% protein; max 10% fat (except conc. yoghurt: max 15% fat)
Whey powder:	Min: 10% protein; max. 9.5% ash
Dairy permeate powders:	Min. 76% lactose; max. 1.5% milk fat; max.1.1% nitrogen (milk permeate powder 0.8%); max. 12% ash (dairy permeate powder 14%)

7.9. PROTEIN AND FAT ADJUSTMENT

Alteration of the composition of the milk which is used for manufacturing is a normal processing practice to control end product composition. Such alterations may be relatively small (adjustment) or substantial (modification). Many milk products are subject to adjustment of the main constituents prior to, or during manufacturing (fat, protein, dry matter, lactose, and/or fat-free dry matter).

19 CODEX STAN 253, Standard for Dairy Fat Spreads allows fat content modifications below 80%.

7.9.1. Drinking milk (Section 4.2.3)

The GSUDT addresses the common compositional adjustments of drinking milk, both the well-established adjustment of milk fat content and the less common adjustment of protein content. This was found necessary because national legislation/regulation in some countries already has or might introduce provision for protein adjustment of drinking milk and to account for the impact of the TBT Agreement on national obligations. The objectives of providing for compositional adjustments in this way are as follows:

- to allow individual countries to retain sovereignty[20] in permitting and regulating such practices, and
- to ensure that the processing methods applied do not alter the whey protein to casein ratio (the use of ultrafiltration, addition of milk permeate and/or addition of lactose do not alter this ratio)

The former "Code of Principles" did not stipulate whether to declare the fact of fat adjustment[21] and this recommendation has been followed in many countries. As the GMP technology involved in protein adjustment is very similar to fat adjustment (separation combined with partial re-mixing), it might have been expected that the same principle would have been extended to protein adjustment as well. However, this was not acceptable to many countries. As a result, the GSUDT stipulates that fat adjustment and protein adjustment should be declared in accordance with the provisions for the naming of milk modified in composition deemed appropriate in the country of retail sale (Section 4.2.3 of the GSUDT).

7.9.2. Processing milk for milk products other than drinking milk (Section 4.3.2 of the GSUDT)

Historically, fat and/or protein adjustment has not been declared in the labelling of milk products. This is illustrated by the following examples:

- The fat content of cheese milk is often adjusted to meet the compositional requirements of various fat versions of the cheese. The fact of such an adjustment need not be declared and, consequently, is normally not required by national legislation.
- Protein adjustment or adjustment of the fat-free dry matter content of milk is used in the manufacture of cheeses, drinking milks, fermented milks and other dairy products. Adjustment is carried out, for example, by membrane filtration, evaporation or by adding milk powder, to meet the compositional requirements (minimum

20 Without this provision, the TBT Agreement could make it more difficult for a country to enforce restrictions equally for imported and domestically produced products. The inclusion of this provision in the relevant Codex Standard, clarifies that a country can take its own decision dictated by its own, country specific restrictions, which must also be met by imported products.

21 Within this context, "adjustment" means minor changes in composition within natural variation, whereas "compositional modification" means compositional modification beyond natural variation.

dry matter contents), for functional purposes and/or to compensate for seasonal variations in milk composition. Such adjustment need not be declared unless there are requirements found in national legislation.

The provision in Section 4.3.2 of the GSUDT is intended to emphasize that labelling of fat and/or protein adjustments of dairy products in general is not required (that is, if any adjustment is within the limits laid down in the corresponding Codex dairy Standards). However, fat and protein modifications beyond any reference limits prescribed in the relevant commodity Standard, trigger additional labelling requirements and are addressed in Section 4.3.3 of the GSUDT ***(see Section 7.8 of this Bulletin)***.

Except for the preserved milk products (CODEX STANs 281, 282 and 207) and their blended counterparts (CODEX STANs 250, 251 and 252), current Codex dairy Standards do not restrict protein and fat adjustment of the milk used, as long as the composition of the end product complies with the relevant Standard and the appropriate product labelling requirements are met.

8 USE OF DAIRY TERMS FOR OTHER FOODS

Section 4.6 of the GSUDT specifies the use of dairy terms in relation to non-dairy foods (the GSUDT uses the term "other foods"), that is, products that are not milk, or a milk product or a composite milk product, as defined.

8.1. GENERAL PRINCIPLE

In general, no label, commercial document, publicity material or any form of point of sale presentation can be used which claims, implies or suggests that the product is milk, a milk product or a composite milk product, or which refers to one or more of these products (for instance, by using adjectival comparisons between milk products and non-milk products such as "-like", "-type" and "alternative of..").

Non-dairy foods can be divided into the categories described in ***Section 8.2*** and ***Section 8.3*** of this Bulletin.

8.2. NON-DAIRY FOODS WHICH DO NOT CONTAIN MILK CONSTITUENTS

These non-dairy foods (for example, beer, soy-based drinks, nut beverages) are not allowed to refer in any form to milk, a milk product or a composite milk product, unless, the product name with a dairy term is recognized widely according to traditional (long-established) usage in the country of retail sale or when the name is clearly used to describe a characteristic quality of the product (***see Section 8.5 of this Bulletin***).

8.3. NON-DAIRY FOODS CONTAINING MILK INGREDIENTS

Apart from the mandatory listing of the milk ingredients used, opportunities for using dairy terms in the labelling and marketing of foods containing milk ingredients will be governed by the following, depending on whether or not milk or milk products constitute the essential part and whether or not milk constituents have been replaced.

8.3.1. Where milk ingredients do constitute the essential part

For these products, the opportunities for using dairy terms depend on:

(i) whether the essential part is expressed ***in terms of quantity*** or ***in terms of characterizing*** the product; and

(ii) whether non-milk ingredients ***have replaced*** milk constituents.

If milk constituents are not replaced and if the milk ingredients constitute the essential part ***in terms of quantity***, the product is a ***composite milk product*** and dairy terms can be used in accordance with Sections 4.1 to 4.5 of the GSUDT.

If milk ingredients only constitute an essential part ***in terms of characterizing*** the product then use of dairy terms as part of the product name or description (for example, *cheesecake, butter cookies*) would not violate the intent of the GSUDT and the GSLPF, provided that the use of dairy terms would not be misleading to consumers (because the constituents not derived from milk are not intended to replace, in part or in whole, any milk constituent), and provided that the product does not substitute for a milk product. However, the use of a dairy term on its own to describe or name a product would be misleading to the consumer.

8.3.2. Where milk constituents are replaced, in whole or in part

For foods in which milk constituents compose an essential part (in terms of quantity and/or of characterizing), but where these have been partly or wholly substituted by non-milk ingredients, there are no opportunities other than those described in ***Section 8.1*** of this Bulletin to use dairy terms. This means that no label, commercial document, publicity material or any form of point of sale presentation can be used which claims, implies or suggests that the product is milk, a milk product or a composite milk product, or which refers to one or more of these products (for instance, by using adjectival comparisons between milk products and non-milk products such as "-like", "-type" and "alternative of").

Examples of these products are blended fat spreads with significant milk fat content, imitations of cheese made with milk protein and coffee whiteners made partly from dairy ingredients. Furthermore, the addition of a substance such as gelatin in excess of what is functionally necessary, is regarded as a replacement of milk constituents and will result in this product becoming a non-dairy food, which is subject to the provisions in Section 4.6.3 of the GSUDT.

There are specific Codex commodity Standards which allow for the substitution of certain milk constituents. These Codex Standards are limited to:

- CODEX STAN 256 for Fat Spreads and Blended Spreads, which include blended fat spreads
- CODEX STAN 250 for a Blend of Evaporated Skimmed Milk and Vegetable Fat
- CODEX STAN 251 for a Blend of Skimmed Milk and Vegetable Fat in Powdered Form
- CODEX STAN 252 for a Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat

The Codex Standard 256 includes a provision relevant to the GUSDT, which states that *"the milk fat content, when present shall be indicated in a manner that is clear and not misleading to the consumer"* (Section 7.3.2).

The Codex Standards 250, 251 and 252 all include two important provisions relevant to the GUSDT, as follows:

- *"The name of the food shall be "Blend of* [insert name of the skimmed milk part] *and Vegetable Fat". Other names may be used if allowed by national legislation in the country of retail sale"* (Section 7.1)
- *"A statement shall appear on the label as to the presence of edible vegetable fat and/or edible vegetable oil. When required by the country of retail sale, the common name of the vegetable from which the fat or oil is derived shall be included in the name of the food or as a separate statement."* (Section 7.2)
- *"A statement shall appear on the label to indicate that the product should not be used as a substitute for infant formula. For example, "NOT SUITABLE FOR INFANTS"."* (Section 7.5)

The use of dairy terms in these product names remains consistent with the GSUDT by virtue of footnote 2 to section 4.6.3 of the GSUDT, which excludes descriptive names from being prohibited[22].

With respect to the ingredients list, the GSUDT does permit the use of the term "milk" or the true name of a milk product in an ingredients list (as defined in Section 4.2.1.2 of the GSLPF), if the milk product has been added to the food.

22 Section 4.6.3 and associated footnote 2 of the GSUDT reads:
"4.6.3 In respect of a product which is not milk, a milk product or a composite milk product, no label, commercial document, publicity material or any form of point of sale presentation shall be used which claims, implies or suggests that the product is milk, a milk product or a composite milk product, or which refers to one or more of these products*".
* "This excludes descriptive names as defined in Section 4.1.1.3 of the General Standard for the Labelling of Prepackaged Foods (GSLPF) and ingredients lists as defined in Section 4.2.1.2 of the GSLPF providing the consumer would not be misled"

8.3.3. Where milk ingredients do not constitute the essential part in terms of quantity

For foods that contain milk constituents in amounts that do not constitute the essential part in terms of quantity (and therefore are not composite milk products) and where dairy ingredients have been added to characterize the non-dairy product (for example, milk chocolate, cheesecake, butter cookies), the same rules apply as specified for foods where milk constituents are replaced. However, the use of milk product names as part of descriptive names is permitted and milk product names should only appear in the ingredients lists in accordance with the GSLPF and Section 4.6.3 of the GSUDT.

8.3.4. Where milk ingredients do not constitute the essential part in terms of quantity or in terms of characterizing

For foods that contain milk constituents in amounts that do not constitute the essential part, either in terms of quantity or in terms of characterizing the product (for example, cream pudding, margarine blends with some milk fat added, meat products with caseinates added), the same rules apply as specified for foods where milk constituents are replaced. For example, in the case of margarine and blended fat spreads with a low (a small percentage) milk fat content. However, the use of milk product names as part of descriptive names is permitted and milk products' names should only appear in the ingredients lists in accordance with the GSLPF and section 4.6.3 of the GSUDT.

8.4. IMITATIONS AND MISLEADING PRACTICES

The general principle laid down in the GSUDT is that dairy terms are reserved for milk and milk products. There are some specific exemptions from this general principle (see ***Section 8.5*** of this Bulletin) as well as specific conditions when certain dairy terms can be used for other foods (see ***Section 8.3*** of this Bulletin).

Examples of possible misleading use of dairy names and terms in various national contexts

Misuses of designations:
• The name "butter", "vegetable butter", "vegetable-based butter", "plant butter" and "butter blend" for fat spreads containing vegetable oil.
• The designations "vegetable oil cheese", "rice cheese", "plant-based cheese", and "margarine cheese".
• The names "soy cream", "oat milk", "rice milk".
• The margarine names "rama"[23], "edelram", "butella", "beurrine" and "cremex" (according to the language in the country of sale).
• The name "coffee creamers" for coffee whiteners without milkfat.
• The names "oat milk" and "almond yoghurt" for plant-based products.
• The name or statement "Camembert alternative".
• The name "dairy free coconut yoghurt".
• The terms "milk" or the name of a milk product as the name of finished consumer products that do not contain dairy ingredients and are produced from cultured or lab-grown ingredients[24].
Deliberate misspelling of designations:
• Mylk – M*lk.
• Frawmage – cheeze.
• Camemvert.
• Mozzarizella.
Descriptions on non-dairy products that demean dairy products
• An illustration of a cow with a dash over.
• Statements like: "the creamy taste of cream without the bad conscience" or "contains none of the less good".
• Campaigns such as "equal to milk but made for humans".
General presentation of products:
• Pictures of cows, churns, milk cans, etc. on the package of non-milk products.
• Statements such as "Think cow's milk... without the cow and milk part".

It should be emphasized, however, that when evaluating whether a specific labelling or marketing practice is misleading, consideration must be given to the overall context in which the particular information (claim, representation) is put. It is also necessary to acknowledge that determination should be made consistently with national legislation and process.

23 The term "rama" is very close to the German name for cream - "rahm".

24 With the introduction of cultured and lab-grown ingredients that seek to compete with milk and milk products, it is necessary to recall that the definition of milk, refers to "normal mammary secretion of a milking animal (or animals) obtained from one or more milkings..." This means that products which are not "normal mammary secretions" and obtained by milking an animal or animals do not fit the definition of milk stated in the GSUDT. Finished consumer products that do not contain dairy ingredients but do contain cultured or lab grown ingredients. Finished consumer products that do not contain dairy ingredients, but do contain cultured or lab grown ingredients, would not meet the terms of the GSUDT to be labelled as milk or milk products.

8.5. TRADITIONAL NAMES

This section looks at names for certain non-dairy products which, owing to long established practice, include dairy terms that are recognized and allowed by the GSUDT. The provision in the GSUDT is that the exact nature of the product is clear to the purchaser from its long established usage[25] or when the name is clearly used to describe a characteristic quality of the product (Section 4.6.2 of the GSUDT).

The GSUDT does not include a complete list of such commonly recognized names[26].

In Codex, a list of accepted names for non-milk products that include dairy terms does not exist. However, some Codex Standards for various non-milk products provide examples of the type of established acceptable names, as follows:

- Coconut milk in a can
- Coconut cream
- Skimmed coconut milk
- Cocoa butter
- Cow peas

It should be noted that, it is commonly accepted that the use of dairy terms in these product names is a long-established practice, and that the products are not typically marketed as replacements/substitutes for the dairy terms utilized (for example, coconut milk and cocoa butter are viewed and marketed as distinctly different products than milk and butter).

Many countries have established lists of names for non-milk products that are permitted to include dairy terms. Some examples of non-milk products with established names that include dairy terms but do not intend to be represented as dairy or containing dairy are:

- Fruit butters (apple, apricot, etc.)
- Peanut butter

Such nationally recognized names apply to their domestic markets only and may not be consistent with the GSUDT.

25 The term "traditional" is not defined internationally. The interpretation of its meaning is left to national legislation and jurisdiction and may therefore vary from country to country.

26 Which dairy terms are permitted in the naming of non-dairy products, therefore, depend on national and/or regional regulation.

9 LABELLING OF PREPACKAGED DAIRY PRODUCTS

Section 5 of the GSUDT states that prepackaged dairy products should be labelled in accordance with the GSLPF, except to the extent otherwise expressly provided for in a milk product Standard or in the GSUDT. This is in full compliance with the general principles of Codex Alimentarius as set out in the Procedural Manual. This means that all labelling requirements of the GSLPF apply together with the additional requirements specified in the milk product Standard, unless the milk product Standard provides for an exception from, or a further specification of, a general labelling requirement.

10

ANNEX 1: CODEX STAN 206-1999

CODEX GENERAL STANDARD FOR THE USE OF DAIRY TERMS

1. SCOPE

This General Standard applies to the use of dairy terms in relation to foods to be offered to the consumer or for further processing.

2. DEFINITIONS

2.1 **Milk** is the normal mammary secretion of milking animals obtained from one or more milkings without either addition to it or extraction from it, intended for consumption as liquid milk or for further processing.

2.2 **Milk product** is a product obtained by any processing of milk, which may contain food additives, and other ingredients functionally necessary for the processing.

2.3 **Composite milk product** is a product of which the milk, milk products or milk constituents are an essential part in terms of quantity in the final product as consumed, provided that the constituents not derived from milk are not intended to take the place in part or in whole of any milk constituent.

2.4 **A reconstituted milk product** is a product resulting from the addition of water to the dried or concentrated form of the product in the amount necessary to re-establish the appropriate water to solids ratio.

2.5 **A recombined milk product** is a product resulting from the combining of milkfat and milk-solids-non-fat in their preserved forms with or without the addition of water to achieve the appropriate milk product composition.

2.6 **Dairy terms** means names, designations, symbols, pictorial or other devices which refer to or are suggestive, directly or indirectly, of milk or milk products.

3. GENERAL PRINCIPLES

Foods shall be described or presented in such a manner as to ensure the correct use of dairy terms intended for milk and milk products, to protect consumers from being confused or misled and to ensure fair practices in the food trade.

4. APPLICATION OF DAIRY TERMS

4.1 General requirements

4.1.1 The name of the food shall be declared in accordance with Section 4.1 of the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985, Rev. 1-1991; *Codex Alimentarius,* Volume 1A).

4.1.2 A word or words denoting the animal or, in the case of mixtures, all animals from which the milk has been derived shall be inserted immediately before or after the designation of the product. Such declarations are not required if the consumer would not be misled by their omission.

4.2 Use of the term milk

4.2.1 Only a food complying with the definition in Section 2.1 may be named "milk". If such a food is offered for sale as such it shall be named "raw milk" or other such appropriate term as would not mislead or confuse the consumer.

4.2.2 Milk which is modified in composition by the addition and/or withdrawal of milk constituents may be identified with a name using the term "milk", provided that a clear description of the modification to which the milk has been subjected is given in close proximity to the name.

4.2.3 Notwithstanding the provisions of Section 4.2.2 of this Standard, milk which is adjusted for fat and/or protein content and which is intended for direct consumption, may also be named "milk" provided that:

- it is sold only where such adjustment is permitted in the country of retail sale;
- the minimum and maximum limits of fat and/or protein content (as the case may be) of the adjusted milk are specified in the legislation of the country of retail sale. In this case the protein content shall be within the limits of natural variation within that country;
- the adjustment has been performed according to methods permitted by the legislation of the country of retail sale, and only by the addition and/or withdrawal of milk constituents, without altering the whey protein to casein ratio; and
- the adjustment is declared in accordance with Section 4.2.2 of this standard.

4.3 Use of the names of milk products in Codex commodity Standards

4.3.1 Only a product complying with the provisions in a Codex standard for a milk product may be named as specified in the Codex standard for the product concerned.

4.3.2 Notwithstanding the provisions of Section 4.3.1 of this Standard and Section 4.1.2 of the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985, Rev. 1-1991), a milk product may be named as specified in the Codex standard for the relevant milk product when manufactured from milk, the fat and/or protein content of which has been adjusted, provided that the compositional criteria in the relevant standard are met.

4.3.3. Products that are modified through the addition and/or withdrawal of milk constituents may be named with the name of the relevant milk product in association with a clear description of the modification to which the milk product has been subjected provided that the essential product characteristics are maintained and

that the limits of such compositional modifications shall be detailed in the standards concerned as appropriate.

4.4 Use of terms for reconstituted and recombined milk products

Milk and milk products may be named as specified in the Codex Standard for the relevant milk product when made from recombined or reconstituted milk or from recombination or reconstitution of milk products in accordance with Section 4.1.2 of the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985, Rev. 1-1991), if the consumer would not be misled or confused.

4.5 Use of terms for composite milk products

A product complying with the description in Section 2.3 may be named with the term "milk" or the name specified for a milk product as appropriate, provided that a clear description of the other characterizing ingredient(s) (such as flavouring foods, spices, herbs and flavours) is given in close proximity to the name.

4.6 Use of dairy terms for other foods

4.6.1 The names referred to in Sections 4.2 to 4.5 may only be used as names or in the labelling of milk, milk products or composite milk products.

4.6.2 However, the provision in Section 4.6.1 shall not apply to the name of a product the exact nature of which is clear from traditional usage or when the name is clearly used to describe a characteristic quality of the non-milk product.

4.6.3 In respect of a product which is not milk, a milk product or a composite milk product, no label, commercial document, publicity material or any form of point of sale presentation shall be used which claims, implies or suggests that the product is milk, a milk product or a composite milk product, or which refers to one or more of these products[27].

4.6.4 However, with regard to products referred to in Section 4.6.3, which contain milk or a milk product, or milk constituents, which are an essential part in terms of characterization of the product, the term "milk", or the name of a milk product may be used in the description of the true nature of the product, provided that the constituents not derived from milk are not intended to take the place, in part or in whole, of any milk constituent. For these products dairy terms may be used only if the consumer would not be misled.

If however the final product is intended to substitute milk, a milk product or composite milk product, dairy terms shall not be used.

For products referred to in Section 4.6.3 which contain milk, or a milk product, or milk constituents, which are not an essential part in terms of characterization of the product, dairy terms can only be used in the list of ingredients, in accordance with the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985, Rev. 1-1991). For these products dairy terms cannot be used for other purposes.

27 This excludes descriptive names as defined in Section 4.1.1.3 of the General Standard for the Labelling of Prepackaged Foods (GSLPF) and ingredients lists as defined in Section 4.2.1.2 of the GSLPF providing the consumer would not be misled.

5. LABELLING OF PREPACKAGED FOODS

Prepackaged milk, milk products and composite milk products shall be labelled in accordance with Section 4 of the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1- 1985, Rev. 1-1991), except to the extent otherwise expressly provided in a specific Codex standard or in Section 4 of this Standard.

11

ANNEX 2: CODEX STANDARDS RELEVANT TO THE GSUDT

All Codex standards are available for download in English, French and Spanish and most also in Russian at the following website:
http://www.fao.org/fao-who-codexalimentarius/codex-texts/list-standards/en/

CODEX STANDARDS FOR MILK PRODUCTS

Reference Number	Title
CXS 206 -1999	General Standard for the Use of Dairy Terms.
CXS 207-1999	Standard for Milk Powders and Cream Powder
CXS 208-1999	Group Standard for Cheeses in Brine
CXS 221-2001	Group Standard for Unripened Cheese including Fresh Cheese
CXS 243-2003	Standard for Fermented Milks
CXS 253-2006	Standard for Dairy Fat Spreads
CXS 262-2006	Standard for Mozzarella
CXS 263-1966	Standard for Cheddar
CXS 264-1966	Standard for Danbo
CXS 265-1966	Standard for Edam
CXS 266-1966	Standard for Gouda
CXS 267-1966	Standard for Havarti
CXS 268-1966	Standard for Samsø
CXS 269-1967	Standard for Emmental
CXS 270-1968	Standard for Tilsiter
CXS 271-1968	Standard for Saint-Paulin
CXS 272-1968	Standard for Provolone
CXS 273-1968	Standard for Cottage Cheese
CXS 274-1969	Standard for Coulommiers
CXS 275-1973	Standard for Cream Cheese
CXS 276-1973	Standard for Camembert
CXS 277-1973	Standard for Brie
CXS 278-1978	Standard for Extra Hard Grating Cheese
CXS 279-1971	Standard for Butter

CXS 280-1973	Standard for Milkfat Products
CXS 281-1971	Standard for Evaporated Milks
CXS 282-1971	Standard for Sweetened Condensed Milks
CXS 283-1978	General Standard for Cheese
CXS 284-1971	Standard for Whey Cheeses
CXS 288-1976	Standard for Cream and Prepared Creams
CXS 289-1995	Standard for Whey Powders
CXS 290-1995	Standard for Edible Casein Products
CXS 331-2017	Standard for Dairy Permeate Powders
CXS 332R-2018	Regional Standard for Doogh

CODEX STANDARDS FOR NON-DAIRY PRODUCTS OF RELEVANCE

Reference Number	Title
CXS 240-2003	Standard for Aqueous Coconut Products - Coconut Milk and Coconut Cream
CXS 250-2006	Standard for a Blend of Evaporated Skimmed Milk and Vegetable Fat
CXS 251-2006	Standard for a Blend of Skimmed Milk and Vegetable Fat in Powdered Form
CXS 252-2006	Standard for a Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat
CXS 256-2007	Standard for Fat Spreads and Blended Spreads
CXS 322R-2015	Regional Standard for Non-Fermented Soybean Products
CXS 325R-2017	Regional Standard for Unrefined Shea Butter

INTERNATIONAL DAIRY FEDERATION AISBL / FEDERATION INTERNATIONALE DU LAIT AISBL
Boulevard Auguste Reyers, 70/B - 1030 Brussels (Belgium) - http://www.fil-idf.org

CODEX ALIMENTARIUS
INTERNATIONAL FOOD STANDARDS

Food and Agriculture Organization of the United Nations
World Health Organization

E-mail: codex@fao.org - www.codexalimentarius.org

GENERAL STANDARD FOR THE USE OF DAIRY TERMS

CXS 206-1999[1]

Adopted in 1999.

[1] This Standard replaced the Code of Principles Concerning Milk and Milk Products.

1. SCOPE

This General Standard applies to the use of dairy terms in relation to foods to be offered to the consumer or for further processing.

2. DEFINITIONS

2.1 **Milk** is the normal mammary secretion of milking animals obtained from one or more milkings without either addition to it or extraction from it, intended for consumption as liquid milk or for further processing.

2.2 **Milk product** is a product obtained by any processing of milk, which may contain food additives, and other ingredients functionally necessary for the processing.

2.3 **Composite milk product** is a product of which the milk, milk products or milk constituents are an essential part in terms of quantity in the final product, as consumed provided that the constituents not derived from milk are not intended to take the place in part or in whole of any milk constituent.

2.4 **A reconstituted milk product** is a product resulting from the addition of water to the dried or concentrated form of the product in the amount necessary to re-establish the appropriate water to solids ratio.

2.5 **A recombined milk product** is a product resulting from the combining of milkfat and milk-solids-non-fat in their preserved forms with or without the addition of water to achieve the appropriate milk product composition.

2.6 **Dairy terms** means names, designations, symbols, pictorial or other devices which refer to or are suggestive, directly or indirectly, of milk or milk products.

3. GENERAL PRINCIPLES

Foods shall be described or presented in such a manner as to ensure the correct use of dairy terms intended for milk and milk products, to protect consumers from being confused or misled and to ensure fair practices in the food trade.

4. APPLICATION OF DAIRY TERMS

4.1 General requirements

4.1.1 The name of the food shall be declared in accordance with Section 4.1 of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

4.1.2 A word or words denoting the animal or, in the case of mixtures, all animals from which the milk has been derived shall be inserted immediately before or after the designation of the product. Such declarations are not required if the consumer would not be misled by their omission.

4.2 Use of the term milk

4.2.1 Only a food complying with the definition in Section 2.1 may be named “milk”. If such a food is offered for sale as such it shall be named “raw milk” or other such appropriate term as would not mislead or confuse the consumer.

4.2.2 Milk which is modified in composition by the addition and/or withdrawal of milk constituents may be identified with a name using the term “milk”, provided that a clear description of the modification to which the milk has been subjected is given in close proximity to the name.

4.2.3 Notwithstanding the provisions of Section 4.2.2 of this Standard, milk which is adjusted for fat and/or protein content and which is intended for direct consumption, may also be named “milk” provided that:

- it is sold only where such adjustment is permitted in the country of retail sale;
- the minimum and maximum limits of fat and/or protein content (as the case may be) of the adjusted milk are specified in the legislation of the country of retail sale. In this case the protein content shall be within the limits of natural variation within that country;
- the adjustment has been performed according to methods permitted by the legislation of the country of retail sale, and only by the addition and/or withdrawal of milk constituents, without altering the whey protein to casein ratio; and
- the adjustment is declared in accordance with Section 4.2.2 of this standard.

4.3 Use of the names of milk products in Codex commodity standards

4.3.1 Only a product complying with the provisions in a Codex standard for a milk product may be named as specified in the Codex standard for the product concerned.

4.3.2 Notwithstanding the provisions of Section 4.3.1of this Standard and Section 4.1.2 of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985), a milk product may be named as specified in the Codex standard for the relevant milk product when manufactured from milk, the fat and/or protein content of which has been adjusted, provided that the compositional criteria in the relevant standard are met.

4.3.3 Products that are modified through the addition and/or withdrawal of milk constituents may be named with the name of the relevant milk product in association with a clear description of the modification to which the milk product has been subjected provided that the essential product characteristics are maintained and that the limits of such compositional modifications shall be detailed in the standards concerned as appropriate.

4.4 Use of terms for reconstituted and recombined milk products

Milk and milk products may be named as specified in the Codex Standard for the relevant milk product when made from recombined or reconstituted milk or from recombination or reconstitution of milk products in accordance with Section 4.1.2 of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985), if the consumer would not be misled or confused.

4.5 Use of terms for composite milk products

A product complying with the description in Section 2.3 may be named with the term “milk” or the name specified for a milk product as appropriate, provided that a clear description of the other characterizing ingredient(s) (such as flavouring foods, spices, herbs and flavours) is given in close proximity to the name.

4.6 Use of dairy terms for other foods

4.6.1 The names referred to in Sections 4.2 to 4.5 may only be used as names or in the labelling of milk, milk products or composite milk products.

4.6.2 However, the provision in Section 4.6.1 shall not apply to the name of a product the exact nature of which is clear from traditional usage or when the name is clearly used to describe a characteristic quality of the non-milk product.

4.6.3 In respect of a product which is not milk, a milk product or a composite milk product, no label, commercial document, publicity material or any form of point of sale presentation shall be used which claims, implies or suggests that the product is milk, a milk product or a composite milk product, or which refers to one or more of these products[2].

4.6.4 However, with regard to products referred to in Section 4.6.3, which contain milk or a milk product, or milk constituents, which are an essential part in terms of characterization of the product, the term “milk”, or the name of a milk product may be used in the description of the true nature of the product, provided that the constituents not derived from milk are not intended to take the place, in part or in whole, of any milk constituent. For these products dairy terms may be used only if the consumer would not be misled.

If however the final product is intended to substitute milk, a milk product or composite milk product, dairy terms shall not be used.

For products referred to in Section 4.6.3 which contain milk, or a milk product, or milk constituents, which are not an essential part in terms of characterization of the product, dairy terms can only be used in the list of ingredients, in accordance with the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985). For these products dairy terms cannot be used for other purposes.

5. LABELLING OF PREPACKAGED FOODS

Prepackaged milk, milk products and composite milk products shall be labelled in accordance with Section 4 of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985), except to the extent otherwise expressly provided in a specific Codex standard or in Section 4 of this Standard.

---

[2] This excludes descriptive names as defined in Section 4.1.1.3 of the *General Standard for the Labelling of Prepackaged Foods* (GSLPF) and ingredients lists as defined in Section 4.2.1.2 of the GSLPF providing the consumer would not be misled.