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FAO/WHO COORDINATING COMMITTEE FOR ASIA

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DRAFT REGIONAL STANDARD FOR NON-FERMENTED SOYBEAN PRODUCTS

(REPLIES TO CL 2013/18-ASIA)

(Replies of India, Japan, European Union, Kenya, New Zealand, Switzerland, the United States of America, European Vegetable Protein Federation, International Dairy Federation)

INDIA

Specific Comments

Section 8 Labelling

Sub-section 8.4 The Name of the Product:

It proposes that the product be designated with appropriate term in Section 2.2. Accordingly, our comments on Section 2.2 of the draft regional standard are provided below.

Section 2.2 should be amended as follows:

2.2 Classification

2.2.1 Soybean ~~Milk~~ Beverages and Related Products2.2.1.1 ~~Plain~~ Soybean milk-beverage

Plain ~~Soybean milk-beverage~~ is the ~~milky~~ pale liquid, prepared from soybeans with eluting protein
..... from the products.

2.2.1.2 Composite / flavoured soybean ~~milk-beverage~~

Composite / flavoured soybean ~~milk-beverage~~ is the ~~milky-pale~~ liquid, prepared by adding optional ingredients to plain soybean ~~milk-beverage~~. It includes products such as soybean ~~milk-beverage~~ sweetened with sugar, spiced soybean ~~milk-beverage~~, salted soybean ~~milk-beverage~~.

2.2.1.3 Soybean-based beverages

Soybean-based beverage is the ~~milky-pale~~ liquid products prepared by adding optional ingredients to plain soybean ~~milk-beverage~~, with lower protein content than composite/ flavoured soybean ~~milk-beverage~~ (2.2.1.2).'

Additionally, the words 'milk' and 'milky' appearing at other places in the draft standard (for example in Section 2.2.4) should also be replaced in line with the above.

Rationale:

- The Codex General Standard for the Use of Dairy Terms, CODEX STAN 206 (GSUDT), sections 4.2.1, 4.6.1 and 4.6.3 prevent the use of the term 'soybean milk' for the products proposed to be covered in the draft regional standard as the term 'milk' is defined in section 2.1 of the GSUDT as "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."
- The provisions of section 4.6.2 of the GSUDT allow the use of dairy terms for other foods under the condition that "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".

'Traditional usage' of a term can be conveniently applied at the national level in accordance with domestic traditions and/or legislation. It is not appropriate to consider 'traditional usage' of a term at the regional or international level.

- It may be recalled that during deliberations on a similar issue during 1999 and 2006, the CCMMP did not agree to allow use of the terminologies like 'Filled Milk Powder', that were cited by some delegations as traditional usage, for naming the dairy products in which milk fat had been replaced with vegetable fat, and had instead used terms like 'Blend of Skimmed Milk and Vegetable Fat in Powdered Form' for naming such products.
- The term 'soybean milk' is also inconsistent with the use of terminology in the Codex General Standard for Food Additives, CODEX STAN 192, (GSFA), section 06.8.1 which uses the term 'Soybean-based beverages' and does not use the term 'Soybean milk'. Furthermore, the GSFA 06.8.1 acknowledges that in a number of countries the category 'Soybean-based beverage' includes products referred to as 'soybean milk' but does not use this terminology in the Codex standard. This approach is consistent with the spirit of the GSUDT and is prudent.
- It is important to ensure consistency with the provisions of the GSUDT and also with the GSFA approach to food categories, although the latter may not be meant for labelling. The approach taken by the CCMMP in similar situations also needs to be taken into account in the current context for the purpose of consistency.
- Furthermore, this regional standard, once finalized, will have potential for use as a starting point for a possible full Codex standard in future and hence should employ terminology that is generic and internationally acceptable. A Codex standard (regional or fully international) should not utilize the term 'milk' in the name of purely soybean based products.
- It would be a prudent approach if the principal terminology in Section 2.2 is kept generic, as proposed above, and the provision in section 8.4 allows use of other names including the term 'milk' in the name of soybean products (such as 'soybean milk') by the countries where it would not mislead the domestic consumer owing to the traditional usage there.

Therefore, Section 2.2 of the *Proposed Draft Regional Standard for Non-Fermented Soybean Products* should be amended as proposed above.

JAPAN

GENERAL COMMENT

Taking into accounts the General Standard for the Use of Dairy Terms (GSUDT), based on the reports of the 18th CCASIA, the 41st CCFL and the 68th CCEXEC, and the recommendation of the 36th CAC, Japan has considered that amending the names of the products covered under the Section 2.2.1 would be one option if it is not traditional for some Member countries in the Asian region to use the term "milk" for non-fermented soybean products covered under the draft Standard.

It should be noted that the national legislation on food labelling for retail sale varies from country to country. In this regard, we propose to add the sentence "Other names may be used if allowed by national legislation in the country of retail sale." in Section 8.4.

SPECIFIC COMMENTS

2.2 Classification

2.2.1 Soybean ~~Milk~~ Beverages and Related Products

2.2.1.1 Plain sSoybean ~~milk~~beverage

Plain sSoybean ~~milk~~ beverage is the milky liquid, prepared from soybeans with eluting protein and other components in hot/cold water or other physical means, without adding optional ingredients. Fibres can be removed from the products.

2.2.1.2 Composite / flavoured soybean ~~milk~~beverage

Composite / flavoured soybean ~~milk~~beverage is the milky liquid, prepared by adding optional ingredients to plain soybean ~~milk~~beverage. It includes products such as soybean ~~milk~~beverage sweetened with sugar, spiced soybean ~~milk~~beverage, salted soybean ~~milk~~beverage.

2.2.1.3 Soybean-based beverages

Soybean-based beverage is the milky liquid products prepared by adding optional ingredients to soybean ~~milk~~beverage, with lower protein content than composite/ flavoured soybean ~~milk~~beverage (2.2.1.2).

2.2.2.1 Semisolid soybean curd

Semisolid soybean curd is the semisolid product in which soybean protein is coagulated by adding coagulant into the semi-finished soybean ~~milk~~liquid.

2.2.4 ~~Dehydrated Soybean Milk Film~~Soybean curd film

~~Dehydrated Soybean Milk Film~~Soybean curd film is obtained from the uncovered still surface of semi-finished soybean ~~milk~~liquid, with or without folding up, which will be dehydrated.

8. LABELLING

8.4 The Name of the Product

The product should be designated with the appropriate term in section 2.2 or other names in accordance with the composition and the law and custom of the country in which the product is sold and in the manner not to mislead the consumer. Other names may be used if allowed by national legislation in the country of retail sale.

Rationale

1. Japan would like to insist, as stated at the 18th session of the CCASIA and the 68th session of CCEXEC, the food category descriptors of the GSFA are not intended for labelling purposes and Section 8.4 of the proposed draft Standard is not related to the GSFA.
2. With respect to the General Standard for the Use of Dairy Terms (GSUDT) (CODEX STAN 206-1999), the term “milk” should not be used for any non-dairy products as a general principle while the provision of section 4.6.2 of the GSUDT allows the use of dairy terms for other foods under the condition that “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 products”. If it is not traditional for some Member countries in the Asian region to use the term “milk” for non-fermented soybean products covered under the draft Standard, we have considered that amending names of the products to be covered under the section 2.2.1 of the proposed draft Standard would be one option.
3. However, we are of the view that the term “milky” should be retained because it is just an adjective meaning a kind of color.
4. As regards Section 2.2.4, we would like to propose to replace “Dehydrated Soybean Milk Film” with “Soybean curd film” because it may cause confusion to replace “Milk” with “beverage” (i.e. Dehydrated soybean beverage film). For the same reason, we suggest that “semi-finished soybean milk” in Section 2.2.2.1 and Section 2.2.4 should be replaced with “semi-finished soybean liquid”.
5. It should be noted that the national legislation on food labelling for retail sale varies from country to country. Some Member countries in the region traditionally have applied “soybean milk” to the name of non-fermented soybean products. Therefore, we propose to add the sentence “Other names may be used if allowed by national legislation in the country of retail sale.” in Section 8.4.

EUROPEAN UNION

The EUMS are confident that CCASIA will review the Proposed Draft Regional Standard taking into consideration the advice from CCFL, as recommended by the 36th session of the CAC when it adopted the proposed draft standard at step 5.

As already expressed during the discussions in CCFL, the EUMS have concerns on the repeated use of the term “milk” throughout the Proposed Draft Regional Standard, as reported in section 8.4 (Name of the Product) which makes reference to section 2.2 of the Regional Standard.

In the Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999) 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”. As a general principle, the term milk may not be used for any other product.

Soybean milk does not match the use of the term “milk” as described above. Moreover, the use of the term “milk” for a non-dairy product which can be a substitute for dairy products is misleading for the consumer. The EUMS therefore recommend a change of terms in the Proposed Draft Regional Standard for non-fermented soybean products so as to make sure that the term “soybean milk” is not used and it is replaced by “soybean drink” or “soybean beverage”.

The EUMS acknowledge the existence of the Codex Standard for Aqueous Coconut Products: Coconut Milk and Coconut Cream (CODEX STAN 240-2003). However, unlike soybean drinks, these products are not used as a substitute for dairy products and thus there is no risk of misleading the consumer.

Furthermore, the General Standard for Food Additives (CODEX STAN 192-1995) contains in category 06.8.1 'Soybean-based beverages' and does not use the term 'soybean milk' in the Codex standard.

KENYA

We appreciate work done by ASIA however we feel that there is need some issues on additives need to be looked into.

Clarification is needed on 4.2.1 (soybean based beverages) which of the additives listed there are carryovers and which ones are a result of technological justifications. The use of caramel 111 and caramel IV should wait for JECFA analysis and scientific advice for there was a concern on their levels in the Food additives meeting.

NEW ZEALAND

Section 2.2

New Zealand notes there is concern that the terms "soybean milk" and "milky" do not appear to satisfy the requirements of the *General Standard for the Use of Dairy Terms* (GSUDT). The GSUDT defines milk as "*the normal mammary secretion (etc)*", but also allows the use of dairy terms for other foods provided that "*the exact nature ... is clear from traditional usage or when the name is clearly used to describe a characteristic quality of the non-milk product*". We are concerned that if the proposed terms are used at a regional level, as proposed in section 8.4, these conditions may not be satisfied and there is potential for consumers to be misled.

We suggest that the term "milk" could be replaced by "beverage" and the term "milky" by "white" or "pale".

Section 8.2

New Zealand considers that this section is contrary to past decisions by CCFL on the labelling of GM ingredients. We support the wording proposed by CCFL, i.e.

8.2 If genetically modified soybean is used in the process consideration shall be given to the *Compilation of Codex texts relevant to the labelling of foods derived from modern biotechnology* (CAC/GL 76-2011).

Section 8.3

New Zealand agrees with the conclusion of CCFL that this section is superfluous and should be deleted.

SWITZERLAND

As already expressed in CRD 11 at the 41st Session of the Codex Committee on Food Labeling (CCFL) in May 2013, Switzerland fully supports the development of this Regional Standard. However, Switzerland is concerned by the repeated use of the term "milk" for some of the products covered by the Proposed Draft Regional Standard for Non-Fermented Soybean Products.

It is stated in Section 8.4 The Name of the Product: "The product should be designated with the appropriate term in section 2.2". We note that in Section 2.2 the term "milk" is frequently referred to e.g. "soybean milk", "flavoured soybean milk", "soybean milk sweetened with sugar", et cetera. Switzerland is concerned that the use of the term "milk" for these products could mislead consumers as the Codex General Standard for the Use of Dairy Terms (GSUDT, CODEX STAN 206-1999) defines "milk" 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. As a general principle, only a food complying with the before mentioned definition may be named "milk".

In view of the aforementioned reasons, Switzerland would like to propose that CCASIA adopts a different designation (e.g. soybean drink, flavoured soybean drink etc.) for the products covered under Section 2.2 of the Draft Regional Standard for Non-Fermented Soybean Products. Switzerland is convinced that a different designation of the products foreseen in section 2.2 will ensure that consumers are not misled as regards the product. In addition, the use of a different term as for instance soybean drink will ensure that the Draft Regional Standard complies with the GSUDT.

Switzerland would like to point out that the CCMMP faced a similar task when establishing the Codex Standards 250-2006 to 252-2006 covering products obtained from a mixture of skimmed milk and vegetable fats. The products were designated as e.g. "blend of skimmed milk with vegetable fat". In the labelling section it is indicated that other names as the aforementioned designations may be used if allowed by national legislation in the country of retail sale.

Switzerland is confident that CCASIA will review the Draft Regional Standard and will take into consideration the findings of the 41st Session of CCFL as it was recommended by the 36th Codex Alimentarius Commission in July 2013, when the proposed draft standard was adopted at step 5.

UNITED STATES OF AMERICA

The United States urges CCASIA to follow the recommendation from the Codex Committee on Food Labeling (CCFL) to use the general reference to Codex Guidance on the Labelling of Foods Derived from Modern Biotechnology for provision 8.2 instead of the original text which indicates, "If genetically modified soybean is used in the process, it shall be indicated in the label in accordance with national legislation."

Provision 8.2, as currently drafted, is a processed-based labelling requirement. Labelling of foods derived from modern biotechnology, as with all other foods, rather should be based on material facts related to the food, such as when there is a change in its intended use, composition, or nutrient content.

The "Considerations" section of the Codex guidance on the labelling of foods derived from modern biotechnology, CAC/GL 76-2011, states that "this document is not intended to suggest or imply that foods derived from modern biotechnology are necessarily different from other foods simply due to their method of production." Therefore, CAC/GL 76-2011 does not support the inclusion of specific language in Codex commodity standards that requires the labelling of foods derived from modern biotechnology, solely based on their method of production.

The United States believes Section 8.2 should be deleted because it is inconsistent with the approach to this issue adopted by CCFL.

EUROPEAN VEGETABLE PROTEIN FEDERATION (EVPF)

2. Description

2.1 Product Definition

Non-fermented soybean products are the products, the main ingredients of which are the soybean and/or soy(a) derivative(s) (e.g. soybean flour, soybean concentrates, soybean isolates or defatted soya, as defined in Codex Standard 175-1989, as appropriate) and water which are produced without fermentation process. The products should be processed and packaged, in an appropriate safe and hygienic manner, before or after being packed in a container, so as to prevent spoilage or contamination.

2.2 Classification

2.2.1 Soybean and Soy(a) Milk and Related Products

Comment: There is overlap in the range of soya beverage products envisaged in this standard and in the Categorisation under EU food additive legislation. Products under 2.2.1.1 would fall within Category 12.9 in Annex II to EU Regulation 1333/2008, 2.2.1.2 contains some Category 12.9 and some Category 14.1.4 products, and 2.2.1.3 would fit within EU Category 14.1.4 only.

2.2.1.1 Soybean and Soy(a) milk

Soybean milk is the milky liquid, prepared according to existing processes such as (1) obtained starting from soybeans (with or without hull) following a physical process (including soaking the soybeans in water and milling or other physical means) from soybeans with eluting protein and other components in hot/cold water or other physical means, or (2) from soya isolates, soya concentrates or soya flour and other components in hot/cold water or other physical means, without adding optional ingredients. Fibres (+ other components?) may be retained or can be removed from the products according to Company or product brand requirements, or local preferences.

2.2.1.2 Composite/ flavoured soybean and Soy(a) milk

Composite/flavoured soybean/soy(a) milk is the milky liquid, prepared according to existing processes such as (1) and (2) above, by adding containing additional optional ingredients to soybean milk. It includes products such as soybean/soy(a) milk sweetened with sugar, spiced or flavoured soybean/soy(a) milk, salted soybean/soy(a) milk, for example.

2.2.1.3 Soybean/soy(a)-based beverages

Soybean/soy(a)-based beverages ~~is~~ are drinks containing soybean and/or soy(a) derivatives, but where the protein content is lower than that required for the soybean/soy(a) milks to be referred to as a the milky liquid products prepared by adding optional ingredients to soybean milk, with lower protein content than composite/flavoured soybean composite/flavoured soybean/soy(a) milk (2.2.1.2).

2.2.2 Soybean curd and related products

2.2.2.2 Soybean curd¹

Soybean curd is the solid product with higher water content, and is made from semi-finished soybean milk and coagulated by adding coagulant.

Comment: For “semi-finished soybean milk,” there is no definition of this substance in Section 2.1 – need to define what this refers to.

2.2.3 [Compressed soybean curd]

~~Compressed soybean curd is partially dehydrated soybean curd, of which the water content is much lower than Soybean curd and has a chewy texture. Compressed soybean curd is made from semi-finished soybean milk and coagulated by adding coagulant, then broken, squeezed and moulded. Mostly the product is the coagulum produced by cooking, flavoring and other process.~~

Comment: For “semi-finished soybean milk,” comment as above.

2.2.4 Dehydrated Soybean milk film

Dehydrated Soybean milk film is obtained from the uncovered still surface of semi-finished soybean milk, with or without folding up, which will be dehydrated. It may be dipped in salt solution prior to dehydration.

Comment: For “semi-finished soybean milk,” comment as above.

3. ESSENTIAL COMPOSITION AND QUALITY FACTORS

3.2 Optional Ingredients

- a) edible oil
- b) sugars
- c) salts
- d) spices, seasoning and ~~condiments~~ other flavourants
- e) ~~other other foodingredients, micronutrients as appropriate and permitted additives.~~

3.3 Quality Criteria

3.3.1 The non-fermented soybean products shall have the characteristic flavour, odour, color and texture of the product, i.e. without off-taints that are indicative of food spoilage. There are no visible foreign matters in the products.

Comment: for the first sentence, assuming that this is the intention of this clause.

3.3.2 Component Requirement

The non-fermented soybean products should comply with the requirements listed in Table 1.

Table 1 Components requirement

| Type | | Moisture (g/100g) | Protein (g/100g) |
|---|---|-------------------|--------------------------|
| Soybean milk and related products (2.2.1) | Soybean/ <u>soy(a)</u> milk (2.2.1.1) | - | ≥ 2.0 |
| | Composite/flavoured soybean/ <u>soy(a)</u> milk (2.2.1.2) | - | ≥ 2.0 |
| | Soybean/ <u>soy(a)</u> -based beverages (2.2.1.3) | - | ≥ 0.8 <u>but <2.0</u> |
| Soybean curd and related product (2.2.2) | Semisolid soybean curd (2.2.2.1) | > 92.0 | ≥ 2.5 |
| | Soybean curd (2.2.2.2) | ≤ 92.0 | ≥ 3.5 |
| Compressed soybean curd [2.2.3] | | ≤ 75.0 | ≥ 13.0 |
| Dehydrated Soybean milk film/skin (2.2.4) | | ≤ 20.0 | ≥ 30.0 |

Comment: For word “skin” in the dehydrated soybean milk film, linguistic understanding: the film on the top of a food product is usually referred to as a “skin” in UK English.

¹ It is also named as doufu (China), tofu (Japan) and Dubu (Korea).

4. FOOD ADDITIVES

4.1 General requirements

Only those functional classes indicated as justified in the table below may be used for the products categories specified.

In accordance with Section 4.1 of the Preamble to the General Standard for Food Additives(CODEX STAN 192-1995). additional additives may be present in non-fermented soybean products as a result of carry-over from soybean/soy(a) ingredients.

| Food additive/functional class | Soybean/soy(a) milk and related products (2.2.1) | | | Soybean curd and related products (2.2.2) | | Compressed soybean curd(2.2.3) | Dehydrated soybean milk film(2.2.4) |
|--------------------------------|--|---|---------------------------------|---|-----------------------|--------------------------------|-------------------------------------|
| | Soybean milk(2.2.1.1) | [Composite/flavoured soybean milk(2.2.1.2)] | Soybean-based beverage(2.2.1.3) | Semisolid soybean curd(2.2.2.1) | Soybean curd(2.2.2.2) | | |
| Acidity regulators | - | [X] | X | X | X | X | - |
| Antioxidants | - | [-] | X | - | - | - | - |
| Colours | - | [-] | X | - | - | [X] | - |
| Emulsifiers | - | [X] | X | - | - | - | - |
| Firming Agents | - | [-] | - | X | X | X | - |
| Flavour enhancer | - | [-] | X | - | - | - | - |
| Preservatives | - | [-] | - | - | - | X | X |
| Stabilizers | - | [X] | X | - | X | - | - |
| Sweeteners | - | [X -] | X | - | - | - | - |

Comments:

For "Soybean/soy(a) milk and related products (2.2.1)," There is overlap in the range of soya beverage products envisaged in this standard and in the Categorisation under EU food additive legislation. Products under 2.2.1.1 would fall within Category 12.9 in Annex II to EU Regulation 1333/2008, 2.2.1.2 contains some Category 12.9 and some Category 14.1.4 products, and 2.2.1.3 would fit within EU Cat 14.1.4 only.

For "Soybean milk (2.2.1.1)," In order to comply with EU Categorisation, EU Group I and II additives should be permitted, together with phosphates E338-E452, and E959 (neohesperidine).

For "[Composite/flavoured soybean milk(2.2.1.2)]," EU additives permitted for Category 14.1.4 products should be permitted.

For "Soybean-based beverage(2.2.1.3)," EU additives permitted for Category 14.1.4 products should be permitted.

4.2 Specific food additive provisions

4.2.1 Composite/flavoured soybean milk

| Functional Class | INS No. | Name of Food Additives | Maximum Level |
|-------------------|----------------|---|--------------------|
| <u>Emulsifier</u> | <u>432-436</u> | <u>Polysorbates</u> | <u>2000 mg/kg</u> |
| | <u>473</u> | <u>Sucrose esters of fatty acids</u> | <u>20000 mg/kg</u> |
| | <u>475</u> | <u>Polyglycerol esters of fatty acids</u> | <u>20000 mg/kg</u> |
| | <u>491-495</u> | <u>Sorbitan esters of fatty acids</u> | <u>20000 mg/kg</u> |
| <u>Stabilizer</u> | <u>405</u> | <u>Propylene glycol alginate</u> | <u>10000 mg/kg</u> |
| <u>Sweetener</u> | <u>950</u> | <u>Acesulfame potassium</u> | <u>500 mg/kg</u> |
| | <u>951</u> | <u>Aspartame</u> | <u>1300 mg/kg</u> |
| | <u>955</u> | <u>Sucralose(Trichlorogalactosucrose)</u> | <u>400 mg/kg</u> |
| | <u>960</u> | <u>Steviol glycosides</u> | <u>200 mg/kg</u> |

Comments:

There is no specific additive provision below for soybean/soy(a) milks in grouping 2.2.1.1 as would be required in the EU for these products.

Align permitted additives and levels with those in the EU under Category 14.1.4 of Annex II to Regulation 1333/2008.

4.2.42. Soybean-based beverage

Comment: Align permitted additives and levels with those in the EU under Category 14.1.4 of Annex II to Regulation 1333/2008.

4.3 Processing aids

Processing aids with antifoaming, controlling acidity for coagulant and for extracting soybean/soy(a) milk and carrier functions can be used in the products covered by this standard.

8. LABELLING

8.2 If genetically modified soybean is used in the process, ~~it shall be indicated in the labelling requirements shall be~~ in accordance with national legislation.

8.3 If the product is meant to be sold as vegetarian food, the type of oil and fat added should be indicated with regards to its origin and animal/fish body fats should not be added.

9 METHODS OF ANALYSIS AND SAMPLING

9.2.1 Determination of Protein Content

According to AOAC 955.04D, nitrogen factors for non-fermented soybean products are ~~5.74~~ 6.25.

Comment: 6.25 is the only conversion factor for protein determination in EU legislation (Regulation 1169/2011). Alignment with EU legislation needed.

INTERNATIONAL DAIRY FEDERATION (IDF)

GENERAL COMMENTS

IDF supports the concerns expressed by several Codex member delegations during the 36th Session of the Codex Alimentarius Commission, 1-5 July 2013, with regard to the use of the term “soybean milk” as being inconsistent with general Codex texts, especially the *General Standard for Use of Dairy Terms* and requesting that terminology should be used consistently in Codex standards. (REP 13/CAC, paras. 92-95)

IDF re-iterates its earlier comments, contained in Codex document CX/CAC 13/36/6 Add1 (Rev.1), stressing that the term “Soybean milk” as used the Proposed Draft Regional Standard for Non-Fermented Soybean Products is not appropriate for the following reasons:

- The constraints imposed by the Codex General Standard for the Use of Dairy Terms, CODEX STAN 206 (GSUDT), section 4.6.1, prevent the use of the term ‘soybean milk’ as the term ‘milk’ is defined in section 2.1 of the GSUDT as follows: “*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.*”

The provisions of section 4.6.2 of the GSUDT allow the use of dairy terms for other foods under the condition that “*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*”. IDF supports the comments of India related to “‘Traditional usage’ of a term can be applied conveniently at the national level in accordance with domestic traditions and/or legislation”². Furthermore the regional standard could become an international Codex standard in future and hence the term ‘soybean milk’ should not be used in a Codex standard (regional or international).

- Furthermore, IDF notes that the use of the term “soybean milk” is also inconsistent with the use of terminology in the Codex General Standard for Food Additives, CODEX STAN 192, (GSFA), section 06.8.1 which uses the term “Soybean-based beverages” and does not use the term “Soybean milk”. GSFA 06.8.1 acknowledges that in a number of countries the category “Soybean-based beverage” includes products referred to as “soybean milk” but does not use this terminology in the Codex standard.

SPECIFIC COMMENTS ON INDIVIDUAL SECTION OF THE PROPOSED DRAFT REGIONAL STANDARD FOR NON-FERMENTED SOYBEAN PRODUCTS (CCASIA REP 13/ASIA, Appendix III)

Description / classification - Section 2.2 of the Proposed Draft Regional Standard for Non-Fermented Soybean Products

IDF recommends the following changes to section 2.2 of the Proposed Draft Regional Standard for Non-Fermented Soybean Products to establish consistency with the GSUDT and GSFA while still differentiating the different types of soybean beverages.

2.2 Classification

² CRD-3 of the 41st Session of the Codex Committee on Food Labelling (2013), Comments from India, page 2

2.2.1 Soybean ~~[-based Milk Beverages]~~ and Related Products

2.2.1.1 ~~Plain Soybean milk beverage~~

~~Plain Soybean milk beverage is the milky pale liquid, prepared from soybeans with eluting protein and other components in hot/cold water or other physical means, without adding optional ingredients. Fibres can be removed from the products.~~

2.2.1.2 ~~Composite / flavoured soybean milk beverage~~

~~Composite / flavoured soybean milk beverage is the milky pale liquid, prepared by adding optional ingredients to plain soybean milk beverage. It includes products such as soybean milk beverage sweetened with sugar, spiced soybean milk beverage, salted soybean milk beverage.~~

2.2.1.3 ~~Soybean-based beverages~~

~~Soybean-based beverage is are the milky pale liquid products prepared by adding optional ingredients to plain soybean milk beverage, with lower protein content than composite/ flavoured soybean milk beverage (2.2.1.2).~~

The amendments suggested above may be considered further in terms of the replacement words for 'milk' and 'milky'.

Labelling / Name of the Product - Section 8.4 of the Proposed Draft Regional Standard for Non-Fermented Soybean Products

IDF has taken note of the explanation provided by the Chair of CCASIA to the 36th Session of the Codex Alimentarius Commission, 1-5 July 2013, referring to the permitted use of the term "soybean milk" in some countries of the region concerned.

IDF would like to note that the current provision in Section 8.4 of the Proposed Draft Regional Standard for Non-Fermented Soybean Products allows the use of other terms, such as "soybean milk", in accordance with the law of the country in which the product is sold.

8.4 *The name of the product*

The product should be designated with the appropriate term in section 2.2 or other names in accordance with the composition and the law and custom of the country in which the product is sold and in the manner not to mislead the consumer.

The proposed replacement of the term "soybean milk" by "soybean beverage" in section Section 2.2 of the Proposed Draft Regional Standard for Non-Fermented Soybean Products would eliminate the current conflict and contradiction with other Codex Standards while it would provide the possibility for countries, depending on their customs and as may be permitted in their national legislation, to use terms such as "soybean milk" in the labelling of the products concerned.

Methods of Analysis and Sampling / Determination of Protein Content - Section 9.1.2 of the Proposed Draft Regional Standard for Non-Fermented Soybean Products

With regard to the comments expressed by CCMAS (ref. REP 13/MAS, para. 33 referring to para. 30 of the same report) **IDF supports retention of the current nitrogen-protein conversion factor for non-fermented soybean products of 5.71** as the scientifically correct conversion factor for the determination of soy protein, as has been recognized by Codex with its most recent discussion on the subject in 2006/2007.

In this context, IDF would like to draw attention to the extensive debate on the issue of protein conversion factors from different food sources that had taken place during the 28th Session of the Codex Committee on Nutrition and Foods for Special Dietary Uses in 2006 (CODEX ALINORM 07/30/26, paras. 144-156). The CCNSFDU had concluded on 5.71 as the scientifically-correct conversion factor for soy protein. The decision was subsequently confirmed by the 30th Session of CAC in 2007. The adopted *Revised Standard for Infant Formula and Formula for Special Medical Purposes Intended for Infants* contains reference to the conversion factor of 5.71 for soy protein (ref. CODEX STAN 72, section 3.1.3).