China Food Law: China's Food Additives Standard Will Soon Have Some Flavorful and Unflavorful Changes

Last month, China National Center for Food Safety Risk Assessment (CFSA) released the first draft National Food Safety Standard for the Use of Food Additives (GB 2760) to revise and update its current version issued in 2014.[1] The draft Standard amends the use of some food additives to reflect the latest regulatory developments at home and abroad.

The draft Standard made the following substantive changes relating to the use of food additives in food:

- Names of 22 food additives are updated. For example, the current Chinese name of “benzoic acid and its sodium salt” is revised to “benzoic acid and its sodium salt (benzoic acid, sodium benzoate)”. Since a food manufacturer or operator may elect to declare the Chinese name of a food additive on the food label[2], change to a food additive's Chinese name in the standard may impact the corresponding declaration on the food label.

- The draft updates the Chinese Numbering System (CNS numbers) for 14 food additives, and incorporates 22 food additives approved by the National Health and Family Planning Commission (NHFPC) since the publication of the 2014 version. 68 English names and International Numbering System (INS numbers) of food additives are revised to be in line with the Codex General Standard of Food Additives (GSFA). The draft states that, in case of any inconsistency, the most recent INS numbers shall prevail.

- Eight flavorings are removed from the food flavoring list in GB 2760-2014 (Table B.1 and Table B.2) either because they are no longer used/manufactured (e.g., myrtenyl formate, 3-acetyl-2,5-dimethylthiophene) or because they are considered foods instead of flavoring substances (e.g., pomegranate concentrate, corn silk).

- “Mineral oil” is removed from the list of food processing aids (Table C.1), because its clearance is already covered by white mineral oil (liquid paraffin) in Table C.1. Further, the use scope of mineral oil (liquid paraffin) is expanded from “potato chips processing” to “potato processing.”

- Food category “blended vinegar” (12.03.02) and “blended soya sauce” (12.04.02) are incorporated into “blended condiment in liquid (excluding products of the category 12.03, 12.04)” in line with the national standard for vinegar and the national standard for soya sauce. Within this food category, there are other changes, such as the maximum use level for Aspartame increased from 1.2 g/kg to 3.0 g/kg.

- The name for the applicable standards for the use of flavoring substances and their labeling are clarified, i.e., National Standard for Food Flavoring (GB 30616-2014)[3] and National Standard for the Labeling of Food Additives (GB 29924-2013).

- “Defoamer” is no longer a function listed in the Table of Permitted Food Additives (Table A.1). Food additives with a function of defoamer (e.g., propylene glycol and silica) are now transferred to the List of Permitted Processing Aids (Table C.2).
The food category name of "Chocolate with Cocoa Butter Alternatives and Similar Products with Cocoa Butter Substitutes" (05.01.03) is revised to "Chocolate with Cocoa Butter Alternatives and Its Products", which is the food name referenced in the revised Chocolate Standard GB 9678.2-2014. However, the use of specific food additives in this food category remains the same.

"Nutrition enhancer" is now included in the scope of "food additives" so as to be consistent with its definition under China's Food Safety Law. Accordingly, this functional class of food additives is now added to the draft GB 2760's Appendix D - Functional Classes of Food Additives.

-----

We will provide further updates as the draft GB-2760 Standard develops. In the meantime, should you have any questions regarding food and food additive regulations in China, please do not hesitate to contact David Ettinger (ettinger@khlaw.com), Jenny Li (li@khlaw.com) or Yin Dai (dai@khlaw.com) at Keller and Heckman's Shanghai Representative Office.


[2] In terms of the Chinese Food Safety National Standard for the Labeling of Prepackaged Food (GB 7718-2011), a food additive may be declared by any of the three ways on the package of a food: a) specific name of the food additive; b) functional class of the food additive together with its specific name of the food additive; or c) functional class of the food additive together with its INS number.