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POLICY

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Japan Announces Withdrawal of 80 Food Additives

Report Categories:

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

On July 1, 2010, the Government of Japan (GOJ) notified the WTO of the 'Withdrawal of food additives no longer distributed in Japan from the List of Existing Food Additives' (G/SPS/N/JPN/255). GOJ has targeted 80 substances that once withdrawn will be prohibited from use in foods as additives. The deadline for submitting comments through the WTO is August 30, 2010. However, MHLW will accept comments submitted via FAS/Tokyo through November 17, 2010.

General Information:

On July 1, 2010, the Government of Japan (GOJ) notified the WTO of the 'Withdrawal of food additives no longer distributed in Japan from the List of Existing Food Additives' (G/SPS/N/JPN/255). GOJ has identified 80 additives for withdrawal that the Ministry of Health, Labor, and Welfare (MHLW) has determined to no longer in use in Japan. Once withdrawn from the list of Existing Food Additives, the use of these substances as an additive will be effectively prohibited in foods produced in or exported to Japan. GOJ is currently collecting public comments both through the WTO and domestic notification process. The official WTO-SPS comment period ends on August 30, 2010; however, MHLW will be collecting domestic public comments through November 17, 2010 and has stated that it will accept comments delivered through FAS/Tokyo.

Food Additive Regulations:

For further reference, please see the attached GOJ notification to the WTO and list of 80 additives proposed for withdrawal. MHLW has also provided a clarification on the scope of use that will be allowed for these substances once they have been withdrawn from the Existing List of Food Additives. Comments on the proposal or questions and concerns can be directed to GOJ through FAS/Tokyo at agtokyo@fas.usda.gov. FAS/Tokyo encourages stakeholders dealing with substances proposed for withdrawal to contact our office if it is being used in foods that will potentially be exported to Japan.

Beginning of MHLW Response

Q1. What is the official MHLW definition of an additive?

A1. MHLW's definition of a food additive is the same as the one in the Food Sanitation Law (FSL). In this law, the term "food" means all foods and drinks; provided, however, that this term shall not include pharmaceutical products or quasi-drugs specified by the Pharmaceutical Affairs Law (Law No. 145, 1960). Article 4 defines the term "food additive" meaning substances which are used by being added, mixed or infiltrated into food or by other methods in the process of producing food or for the purpose of processing or preserving food. In this law, the term "natural flavoring agent" means food additives obtained from animals or plants, or mixtures thereof which are used for flavoring food.

Q2. If the 80 substances are withdrawn from the Official List of Existing Food Additives would any of those substances be prohibited from use as a food ingredient? If so, which substances?

A2. If the 80 substances are withdrawn from the list, use of them as food additives as defined in the FSL is prohibited. However, as mentioned in A3, it does not mean that use of them as an ingredient (e.g. materials for health food) is prohibited.

It is not definitive, but we consider the substances intended for use as 'colour' such as "#62 Powdered Annato (in the Japanese language version, it contains the word 'shikiso' or 'pigment' in English)" and "#73 Vegetable oil soot colour" to be specifically for use as additives. At the same time, some of the substances could be also used as materials for food ingredient (e.g., health foods). In other words, except for the food additive definition in the Food Sanitation Law, there are no clear-cut criteria established to determine if a substance could be a food additive.

Again, as long as the substance is not used as a food additive, as defined in the Food Sanitation Law (A1), it is still permitted for use as an ingredient in food.

End of MHLW Response