**UNICEF comments to Codex CL 2021/54/OCS-NFSDU (August 2021)**:   
Request for comments on the draft product definition of drink/product for young children with added nutrients or drink for young children; and Nitrogen to protein conversion factors

**For background information, please see** [**CL 2021/54/OCS-NFSDU**](http://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/en/)

**Deadline for submission: 30 September 2021**

There are two issues open for comment:

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| **NUMBER 1: DEFINITION** |

*Codex Members and Observers are invited to provide comments / agreement on:*

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| ***Recommendation 1*** |
| ***OPTION 1:*** *(accept text in the square brackets):*  *Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children ~~[~~which may contribute to the nutritional needs of young children~~]~~1*  *1 In some countries these products are regulated as breast-milk substitutes.*  *or*  ***OPTION 2:*** *(delete text in the square brackets):*  *Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children ~~[which may contribute to the nutritional needs of young children]~~1*  *1 In some countries these products are regulated as breast-milk substitutes.* |

***Note:*** *That CCNFSDU will be invited agree to consider the EWG comments on the definition in addition to the responses to the CL and take a decision on whether the text in the square brackets within the definition be accepted (Option 1) or deleted (Option 2), and that the Committee should not consider additional options for modifying the text within the definition or an alternative definition.*

**UNICEF RESPONSE**

UNICEF reaffirms its prior position that the text in square brackets is not necessary or appropriate and should be deleted.

Justification:

1. The purpose of the definition is to fulfil the requirements of the Codex Procedural Manual that on p57 related to description states: “*This section should contain a definition of the product or products with an indication, where appropriate, of the raw materials from which it is derived and any necessary references to processes of manufacture. It may also include references to types and styles of product and to type of pack. There may also be additional definitions when these are required to clarify the meaning of the standard.”*

Based on the elements of a definition as defined above, UNICEF considers that:

* The raw materials are currently not covered in the description but are addressed elsewhere in the standard and are therefore not required in the definition.
* The process of manufacture is covered in the text of 2.1.2, and is not required in the definition.
* The types and styles could be considered covered in part of 2.1.1 namely “‘…for use as the liquid part of the…” and part of 2.1.2 namely “…so packaged as to prevent spoilage or contamination…”It therefore does not need to be covered in the definition.
* In relation to other definitions, 2.2.1 provides a definition for ‘young children’. It therefore does not need to be included in the definition.

UNICEF therefore does not believe that the role or purpose of the product in the diets of young children is necessary to be covered in the description as per the procedural manual.

Further, any definition should be clear, precise and unambiguous, and does not benefit from a statement about what the product may or may not do, depending on the circumstances – without those circumstances being clearly articulated. If the Committee does decide to retain the text in square brackets, UNICEF believes that further consultation and discussion on this text will be necessary.

1. The text in square brackets should be deleted as the World Health Assembly (WHA), the world’s highest health policy setting body, has agreed that these products are unnecessary. By including the text in square brackets, the impression is given by Codex that these products do in fact have a role to play in the diets of young children, which is not the case.

Further, the fact that the addition of certain nutrients is mandated, and specific levels set for certain nutrients, does not mean that overall, these products can be considered necessary. It has been agreed by Member States that they are unnecessary no matter their composition. The benefits of these products over and above continued breastfeeding, that is recommended for this age group, has not been shown while there is a body of evidence of the benefits of continued breastfeeding. There is also evidence that these products replace breastmilk in the diet, resulting in a net reduction in the recommended nutritional intake from breastmilk which is contrary to this proposed text. In addition, it must be noted that 3.2 of the standard permits optional ingredients to be added. This might indeed change the overall profile of the product especially as the evidence regarding a range of ingredients and the ultra-processing of foods is raising a number of concerns. There will therefore be cases where the text is square brackets is proven untrue, and so must be deleted.

1. It is critical to note that any contribution of these products to the diets of young children does not apply equally across all countries and as such is misleading. As recognised by the Committee, in some situations these products could make a positive nutritional contribution to the diet. However, in many situations, they are not required and may have a negative impact due to interference with continued breastfeeding and concerns around some of the ingredients and their levels of processing. The proportion of the children who may be positively or negatively impacted can vary significantly between member states, and while the statement may be accurate for some, for others it will be factually incorrect or misleading. It is therefore inappropriate that a statement that does not apply equally to all Member States be included in the definition in a Codex document and must be removed. If it were to be retained, it should read “…may or may not contribute…” Further, the inclusion of the square brackets text is outside the mandate of Codex – Codex should not be setting a universal principle as to the nutritional needs of young children. It is up to Member States to determine what foods / beverages contribute to the nutritional needs of their specific population / sub-population groups.
2. This definition should follow other, similar definitions for similar products. Mandating certain nutrients to be included or specifying the inclusion or exclusion of certain ingredients or specifying levels in the composition of these products, is a normal part of the Codex standard setting process and does not need to be highlighted in the definition, nor does it mean that the product offers specific benefits. This precedent is set with the definition of follow-up formula for older infants “*means a product, manufactured for use as a breastmilk* substitute*, as a liquid part of a diet for older infants when progressively diversified complementary feeding is introduced.”* There are many mandated nutrients and specific levels set in the composition of this product, but this is correctly not highlighted in the definition. As the drink/product for young children under discussion is a similar product but for the next age category and to be Part A and Part B of the same standard, the definitions should be aligned and consistent and should therefore not include the text in square brackets and should read “means a product manufactured for use as a liquid part of the diversified diet of young children.”

Therefore, UNICEF considers that the text should read:

Drink/product for young children with added nutrients or Drink/product for young children means a product manufactured for use as a liquid part of the diversified diet of young children.1

1 In some countries these products are regulated as breast-milk substitutes.