

## NATCOL Position on the SCoPAFF Opinion on plant extracts with a technological function in relation to Colouring Foods

(Updated version September 2021)

NATCOL considers that the Standing Committee on Plants, Animals, Food and Feed (SCoPAFF) opinion on the “use of plant extracts rich in constituents capable in performing a technological function” of September 2018<sup>1</sup> does not concern Colouring Foods when used primarily for their colouring properties.

Colouration of food is a specific case and is individually regulated. Unlike botanical extracts in general, Colouring Foods are recognized in the European Additive Regulations for a long time. Already in the Directive 94/36/EC on colours for use in foodstuffs a distinction was made between colour additives and Colouring Foods. Indeed, colour additives are defined as substances in which the pigments were selectively extracted.

This specificity was subsequently confirmed in the current Regulation (EC) 1333/2008 in Recital 5 and in Annex I (2) which defines colour additives:

- Recital 5 provides:

*“Food additives are substances that are not normally consumed as food itself but are added to food intentionally for a technological purpose described in this Regulation, such as the preservation of food. All food additives should be covered by this Regulation, and therefore in the light of scientific progress and technological development the list of functional classes should be updated. However, substances should not be considered as food additives when they are used for the purpose of imparting flavour and/or taste or for nutritional purposes, such as salt replacers, vitamins and minerals. Moreover, substances considered as foods which may be used for a technological function, such as sodium chloride or saffron for colouring and food enzymes should also not fall within the scope of this Regulation.”*

*However, preparations obtained from foods and other natural source material that are intended to have a technological effect in the final food and which are obtained by selective extraction of constituents (e.g. pigments) relative to the nutritive or aromatic constituents, should be considered additives within the meaning of this Regulation. Finally, food enzymes are covered by Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes (4), which excludes the application of this Regulation.” (Emphasis added)*

- The definition in Annex I (2) reads:

*‘colours’ are substances which add or restore colour in a food, and include natural constituents of foods and natural sources which are normally not consumed as foods as such and not normally used as characteristic ingredients of food. Preparations obtained from foods and other edible natural source materials*

obtained by physical and/or chemical extraction resulting in a selective extraction of the pigments relative to the nutritive or aromatic constituents are colours within the meaning of this Regulation (Emphasis added);

As a consequence, when non-selectively extracted preparations from foods and edible natural source materials are added to foods for the purpose of colouring, these are not colour additives according to Regulation EC No. 1333/2008 but Colouring Foods. For further details on the classification of Colouring Foods, refer to the "NATCOL Code of Practice on the Classification, Manufacturing, Use and Labelling of Colouring Foods (EU)" (2021). ([Code of Practice](#))

Whether an extraction process for obtaining colouring food is selective or not depends, according to Regulation (EC) No 1333/2008, on the ratio of the pigments relative to the nutritive or aromatic constituents in the obtained extract on the one hand and in the source material on the other.

In order to compile source material reference values, the support of the Joint Research Centre (JRC), one of the Directorates General of the European Commission, was requested by DG SANTE. Based on this request a JRC report was completed and published in 2015 (<http://publications.jrc.ec.europa.eu>, JRC96974). The report gives an overview of 2015 available data on nutritional information, and pigment and aroma constituents of typical source materials used for production of Colouring Foods.

Meanwhile, NATCOL has refined and compiled an updated (2021) reference list of source materials as Annex A within the "Code of Practice" on Colouring Foods document.

Therefore, as clearly demonstrated above, Regulation EC 1333/2008 and the compilation of source material reference data underline the unique positioning of Colouring Foods within the EU. Consequently, plant extracts rich in constituents capable in performing a technological function as food additives, indeed are well differentiated from Colouring Foods.

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1 Standing Committee on the Food Chain and Animal Health, 17 September 2018 [reg-com\\_toxic\\_20180917\\_sum.pdf](#) ([europa.eu](#))

Please also refer to:

. Standing Committee on the Food Chain and Animal Health, 14 December 2006, [https://ec.europa.eu/food/sites/food/files/safety/docs/regcom\\_toxic\\_summary23\\_en.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/regcom_toxic_summary23_en.pdf)

. Standing Committee on the Food Chain and Animal Health, 19 May 2010, [https://ec.europa.eu/food/sites/food/files/safety/docs/regcom\\_toxic\\_summary19052010\\_en.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/regcom_toxic_summary19052010_en.pdf)