



## Coloring Foods used for the primary purpose of coloring

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Coloring Foods have long been established in the European Union as food ingredients. The framework conditions for the classification of Coloring Foods have been clarified over the years and are well defined in the recently published NATCOL Code of Practice for the Classification, Manufacturing, Use and Labelling of Coloring Foods.

**Coloring Foods are food ingredients and not food additives, in accordance with EU legislation:**

### 1. History as food ingredients in traditional foods

Coloring Foods, foods with coloring properties, have a long tradition of imparting color to food and drink products worldwide and especially in the EU.

Long before food additives were introduced to food production for technological reasons, colorful foodstuffs were used to make the food appear in different colors.

In ancient times, natural source materials like colorful fruits and vegetables, such as berries, beets, carrots, spinach, marigold, tomatoes, spices like saffron, paprika and turmeric and egg yolk were all used to add rich color to foods.

For example spinach used in the manufacture of pasta as such or dried or in the form of concentrated juice would be traditionally considered a food ingredient and not a food color.

Coloring Foods have been successfully manufactured and safely used in the European Union market for more than 30 years, with their use steadily increasing over the last decade. They meet the increasing consumer preference for ingredients in food that consumers recognize and can relate to, as shown also by the fact that a significant part of the EU food and beverage markets has successfully converted to the use of Coloring Foods.

### 2. Legal framework of Coloring Foods

The European legislation makes a clear distinction between Coloring Foods and color additives.

The European Parliament and Council Directive 94/36/EC of 30 June 1994 on colors for use in foodstuffs, made a distinction between colors as food additives and Coloring Foods, where it defined food additive colors as substances in which the pigments were **selectively extracted**.

The current Regulation (EC) 1333/2008 on food additives, setting the rules on food additives, confirmed the above-mentioned distinction, defining food additive “colors” in Annex I (2) and excluding Coloring Foods from the scope of the Regulation (EC) 1333/2008 in Recital 5, which provides that: “*Food additives are substances that are not*

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*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 coloring 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 of “colors” in Annex I (2) reads: “‘colors’ are substances which add or restore color 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 colors within the meaning of this Regulation;” (emphasis added)

Whether or not an extraction process for obtaining Coloring Foods is selective or not would depend on the ratio of the pigments relative to the nutritive or aromatic constituents in the obtained extract versus the corresponding ratio in the source material (enrichment factor).

As a result, when **Coloring Foods are used in food products for the primary purpose of coloring and have not been obtained through selective extraction, they are not food additives (colors) but foods or food ingredients that impart color, i.e. “Coloring Foods”**, in accordance with Regulation (EC) 1333/2008.

Consistent with Regulation (EC) 1333/2008, Coloring Foods are considered as foods consumed as such or as a characteristic ingredient of food within the EU.

### **3. NATCOL Code of Practice**

NATCOL has developed a Code of Practice (the Code) to provide support to manufacturers and users in understanding the EU provisions that govern Coloring Foods as well as their scope and application.

The Code is intended as a business-to-business (B2B) support tool for food industry producers and users of Coloring Foods on the European market. It must be read in conjunction with the EU and national appropriate legislations, particularly Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives, especially Recital 5, Article 3 (2) (a) and Annex I (2) of this Regulation.



As mentioned, the Code reflects the experience of NATCOL's members and prevailing principles relating to the classification, manufacturing, use and labelling of Coloring Foods.

It is also inspired by the principles laid out in the European Commission Guidance Notes on the classification of food extracts with coloring properties of 2013. These Guidance Notes dated 29.11.2013, were endorsed by a large majority of EU Member States as a "working tool" for business operators and enforcement authorities of the EU Member States. The Code is a continuation of the principles of the Guidance Notes.

NATCOL believes that its Code of Practice will provide clarity and a common understanding for all stakeholders and contribute to maintaining consumer trust and variety of choice.

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