

Shangri-La On The Rhine - The Codex Committee Meets Again in Bonn

Written by the National Health Federation

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“Okee,” the Chairman intoned with unintended humor. Sitting at the National Health Federation’s table in the meeting hall, Paul and I smiled at this fractured English. But we knew that this single word meant that German Chairman Dr. Rolf Grossklaus was satisfied that yet another item on the Codex Alimentarius Committee agenda had been covered and that the next one was up.

Paul Anthony Taylor, Dr. Robert Verkerk, and I had flown into Bonn, Germany the previous weekend in order to prepare for our attendance at the November 2005 annual meeting of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU). Together, the three of us comprised the National Health Federation’s Observer delegation at this Codex meeting, in this case the one that specifically deals with dietary-supplement guidelines. The Federation, once again, is the only nonprofit consumer health-freedom organization with recognized status at these Codex meetings and the concomitant ability to speak out on the issues.

(l-r) Dr. Robert Verkerk, Scott Tips, and Paul Anthony Taylor

This year's meeting took place during the Thanksgiving week in the same large meeting hall as before. The building, located a stone's throw away from the Rhine, held hundreds of delegates who had journeyed from around the world to brave the cold and wet German weather to attend and argue over the ten main agenda items. At times, the sun would bravely try to come out only to be invariably defeated by the dark, scudding rain clouds, which perfectly framed the Codex meeting venue.

A Different Tone This Year

Last year's meeting saw the Committee's adoption of the feared *Guidelines for Vitamin and Mineral Food Supplements*, along with the parent Codex Alimentarius Commission's perfunctory, rubber-stamp approval and adoption of those Guidelines in July 2005 despite their many failings. It is important to remember, though, that the Guidelines are nothing more than a loose framework with no teeth in them. With their adoption, the task now confronts the Committee of filling in the framework of those Guidelines with numbers and identities. What that means is that the Committee intends to set maximum upper limits for the potency of every food-supplement ingredient (the "numbers") that will appear on the not-yet-created positive list of allowable ingredients (the "identities"). Therein lies the challenge.

In the past, the meetings have been rancorous and contentious, particularly between the NHF and South Africa, on the one side, and the European Commission (EC) and its European and pharmaceutical allies on the other. With the Guidelines adopted, however, the tone has changed to one where there is less drama as the battles are being fought on the fringes. In other words, the Committee is delegating the “framework filling” tasks to working groups within the Committee, which working groups report back to the Committee every year on their progress. The NHF is a member of each of these working groups.

Nutrient Reference Values

Nutrient Reference Values (“NRVs”) are nothing more than souped-up RDAs. These are numerical values assigned to each nutrient so as to reflect the mythical average person’s nutritional needs for that nutrient. By referring to the NRV for, say, calcium, the consumer is supposed to get an idea of whether he or she is getting an adequate (or in European bureaucratic eyes, an excessive) amount of calcium. These values are supposed to be set according to rigorous scientific evidence; but, as I have long contended, “science” at Codex levels is far more political than scientific. NRVs will be established politically.

Dr. Grossklaus, the Chairman of CCNSFDU, is a prime example of this lack of objectivity. We all know that a good committee chairman will conduct a meeting fairly. Yet, remember that Dr. Grossklaus is also a member of the German Risk Assessment Institute (BfR) that recently came out with its report proposing Maximum Permitted Levels for vitamins and minerals at absurdly low levels (e.g., the maximum potencies for Vitamin C and niacin would be 225 mgs and 17 mgs, respectively). Thus, he already has set in his mind where this game should go and it was clearly reflected in his comments to South Africa.

Last year, South Africa had graciously accepted the burden of preparing for the Committee a discussion paper on the fundamental principles that should govern NRVs. At this year’s meeting, South African delegate head Antoinette Booyzen presented the discussion paper to the Committee only to be interrupted six minutes into her presentation by the Chairman’s very curt remarks telling her to hurry up. Unrattled, Ms. Booyzen continued with her presentation. Because South Africa’s paper dared to mention that NRVs should take into account the optimal nutritional needs of consumers, South Africa was criticized again by the Chairman for a lack of objectivity and jumped on by several delegations, including the United States and the EC. In particular, Dr. Grossklaus said that optimal nutrition would be misleading to consumers. On behalf of the NHF, I spoke up in defense of South Africa, disagreeing with the Chairman and replying that it would mislead consumers *not* to take into account optimal nutrition because otherwise consumers would be misled into thinking that they were getting adequate amounts of nutrients when in fact they were not.

Notwithstanding his displeasure, the Chairman extended South Africa’s mandate to manage this task. South Africa will take into account the additional input of other

delegations, revise its presentation paper, and re-present it at the 2006 CCFNSDU meeting.

Parenthetically, the delegates were told that a Food and Agriculture Organization (FAO) and the World Health Organization (WHO) would meet in December 2005 in Florence, Italy for the purpose of agreeing on principles and guidelines that will result in “evidence-based” dietary standards. There, the FAO and WHO plan to formulate some manner of expert-consultation group that would establish FAO/WHO proposed NRVs.

Health Claims

“Okee,” we heard again as the Chairman moved on to this agenda item concerning health claims for food supplements. Because so much time had been spent on dietary-fiber and infant-formula standards, though, there was extremely little time devoted to this topic. Of course, the EC view has been that health claims for food supplements should be prohibited – period. Many delegations agree with this viewpoint, but there is enough opposition to a flat prohibition to perhaps avoid achieving consensus on this point. Regardless, the general American health consumer’s view of liberality for such claims – not espoused by the official U.S. delegation by the way – will never be adopted in this atmosphere of governmental paternalism.

As with the NRVs, food-supplement health claims are the province of a working group – this one chaired by France. The French delegate head presented her report to the Committee. But, curiously, even though she took as long to present her report as did Ms. Booyzen, Dr. Grossklaus refrained from interrupting *her* to tell her to hurry up and finish – probably because time works differently in the Northern Hemisphere. France’s mandate to continue with its work here was also continued by the Committee.

Although there was some discussion about substantiating health claims and even permitting disease-reduction health claims, the problem that we face here is that most of the Codex countries themselves have made any dietary-supplement health claims illegal or so nominal as to be useless. And the existing draft Recommendations for Health Claims reflects this view. Unfortunately, in their blind haste to protect consumers from themselves, the regulators are actually consigning consumers to an informational black hole in which they will be kept ignorant of truthful dietary information important to their health.

Risk Analysis

“Okee.” We moved on to the agenda item dealing with risk analysis (which is composed of three elements: risk assessment, risk management, and risk communication). Also the object of a working group, this topic is being managed by the delegation of Australia. Ms. Janine Lewis, the Australian delegation head, presented her report on the application of risk analysis to the work of the Committee. Despite the extremely short amount of time available to discuss risk-analysis issues, the Chairman did not interrupt Ms. Lewis either. Dr. Grossklaus did, however, praise her report and said that her working group’s efforts were of “enormous importance.”

I'll say. It is risk analysis and its offspring, risk assessment, that will be used to set the safe upper limits for vitamins and minerals within the Codex framework. If those limits are set high, then we will all have more breathing room. If, however, they are set low, then we will be in deep trouble.

Thanks to Dr. Robert Verkerk, NHF's science advisor and also director of the Alliance for Natural Health, who analyzed the Australian discussion paper and prepared a point-by-point response, the NHF submitted to the Committee and working group this response. At the heart of this response was the fact that natural substances such as vitamins and minerals should not be treated in the same way as toxic substances and that the methodologies applied should take that factor into account as well as the particular forms of the vitamins and minerals and their amounts.

As with the other two working groups, Australia's mandate was continued and Ms. Lewis stated that it would take more years before the risk-analysis standards could be established and applied.

Side Notes About the Meeting

Interesting enough, at the beginning of the meeting, Dr. Grossklaus announced that the CCNFSDU must improve its public image and he requested permission of the Committee to allow it to be videotaped for a promotional film. When he said this, I could only think that Kevin Miller's anti-Codex documentary, *We Become Silent: The Last Days of Health Freedom*, must be having enough of an impact for the Chairman and his handlers to be worried. So, throughout the meeting, a camera crew scurried around with its equipment taking various shots of delegates speaking and the Chairman pontificating.

The NHF delegation also noticed that the developing nations in attendance at the meeting were significantly more vocal this year than ever before. Tanzania and Ghana were especially bold at putting forth their positions and then firmly standing their ground, even in the face of opposition. It was a refreshing sight.

Although generally known during the meeting, at the end it was formally announced that the 2006 CCNSFDU meeting would be held in Chiangmai, Thailand from October 30th through November 3rd. Then, the meeting adjourned. Okee?

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