



Myths and Facts on Codex and WTO

Prepared by John Hathcock, Ph.D.

March 2005

The Codex Alimentarius is the United Nations-based food standard setting organization recognized by the World Trade Organization as the international authority for trade disputed on food safety standards. As such, Codex standards and guidelines could set limits for vitamins and minerals in international trade but not for domestic regulations in any country, unless that country decided to adopt Codex documents as its domestic policy.

For several years the Codex nutrition had debated whether maximums for vitamins and minerals in supplements should be based on the Recommended Dietary Allowances or risk assessment. CRN has strongly supported the risk assessment approach. CRN recognizes that risk assessment could be done incorrectly to give unnecessarily restrictive limits, but points out that RDA-based limits are by definition too restrictive.

At its November 2004 meeting, Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) promoted the "Vitamin and Mineral Supplement Guideline" to Step 8, ready for Commission approval in July 2005. Since the November 2004 meeting, the internet and emails have been flooded with allegations that the World Trade Organization (WTO) is going to "take away your vitamins." The Council for Responsible Nutrition (CRN) believes that these claims are inaccurate and offers the following explanation in a "Myth and Fact" format.

MYTH: Your right to choose your vitamin, mineral and other supplements may end in June 2005.

FACT: The national representatives present at the Codex Alimentarius Commission (CAC) meeting in Rome, July 2005, are expected to approve the Vitamin and Mineral Supplement Guideline, as promoted to Step 8 in Bonn, Germany in November 2004. This guideline allows maximum levels to be set, based on scientific risk assessment.

MYTH: After June 2005, U.S. supplements will be defined and controlled by the World Trade Organization (WTO) and the World Health Organization (WHO).

FACT: This is not true. Codex guidelines will be recognized by the WTO as an international trade standard. The actual maximums will not be set by Codex until it gets the report from FAO/WHO nutrient risk assessment project--and that current project will only identify a method, and test that method with a very few examples. It will be years before the maximum levels are set. When established, the maximum levels will serve as a protection for exports by not allowing an importing country to set a maximum below the Codex limit. Codex and WTO do NOT set domestic standards for any country unless that country chooses to model its laws/regulations on the Codex document. (Some small countries without the critical mass of resources and scientists sometimes do utilize Codex documents as the basis of their national regulations, but they are not required to do so.)

MYTH: CODEX drastically restricts vitamins, minerals, herbs and other supplements.

FACT: Germany, France, most other European countries, and indeed most countries in the world currently restrict vitamin and mineral supplements to low multiples of the RDA, and have done so for a long time. This is the reason these countries so strongly fought against the Codex guideline requiring maximums to be based on risk assessment.

Myths and Facts on Codex and WTO *continued*

Notes from CRN on this point:

- (1) Sure, risk assessment can be done badly, but when done appropriately it gives good answers. With it, you can get the right answer. With RDA-based limits you automatically get the wrong answer. Most of the world currently imposes RDA-based maximums.
- (2) Hypothetically, a country could still restrict domestic production to RDA-based maximums even after Codex maximums based on risk assessment are implemented. However, such a policy would be damaging to the domestic industry because imports would have to be permitted to the Codex maximum, and foreign competition would kill the domestic industry.
- (3) We must now guard against arbitrarily restrictive risk assessment that amounts to nothing more than a "back door" to RDA-based limits. But even under a worst-case scenario, in most countries such limits would be no worse than the current system of RDA-based limits.

MYTH: CODEX now applies to Norway and Germany, among others.

FACT: Codex guidelines on supplements have not been approved. When approved, implementation is likely to take a couple of years or more. Norway and Germany, among many others, have long had very restrictive supplement regulations. Codex did not create this situation, but should help liberalize it. The price differential is great between "food" and "drug" supplements, in countries such as these, but this is not the work of Codex. WTO may be a useful forum to resist the unilateral declaration by some countries, such as Denmark, that supplements are drugs, not foods, and thus exempt from Codex guidelines.

MYTH: No supplement can be sold for preventive or therapeutic use.

FACT: This falsely implies that such sale is currently permitted and Codex will prohibit it. In fact, nearly all countries in the world currently prohibit "therapeutic" claims for supplements. Note that "preventive" claims will be permitted by Codex under its "health claims" guideline, which includes both NLEA- and DSHEA-type claims. CRN is working to make sure that the science standards are reasonable for these claims.

MYTH: Any potency higher than RDA is a "drug" under Codex guidelines.

FACT: This is a great "shell game" being played by some internet activists. The statement implies that current limits are very generous and Codex seeks to restrict them. The facts are the exact opposite. Many countries currently impose RDA-based maximums, and they resisted (for nearly 10 years!!!) the international movement toward risk assessment-based limits. Risk assessment is not a guarantee of appropriate maximums but will allow them. On the other hand, RDA-based limits are a guarantee of inappropriate maximums, and this situation currently applies in most countries.

MYTH: Codex regulations become binding internationally.

FACT: This is false by omission of material fact. Yes, Codex regulations are recognized by the WTO as the basis of international trade standards. But this Myth falsely implies that Codex and WTO will impose domestic regulations for all countries. No country is required to adopt Codex guidelines as its domestic regulations. WTO sanctions apply only when a country fails to allow imports that meet Codex guidelines.