



International Coffee Council  
113<sup>th</sup> Session  
22 – 26 September 2014  
London, United Kingdom

## Mixtures and Substitutes

### Background

1. At the 111<sup>th</sup> Session of the International Coffee Council in September 2013, the Secretariat committed to providing a report on Mixtures and Substitutes measures by Member countries, including information on difficulties encountered in enforcing such measures. To that end, this document provides a summary of the replies received from Members to documents [ED-2169/13 Rev. 1](#), [ED-2151/13](#), [ED-2143/12](#) and [ED-2124/11 Rev. 1](#), which requested information from Members about their mixtures and substitutes measures.

2. Members who have not yet replied are requested to do so as soon as possible.

### Action

The Council is requested to consider this document.

## **MIXTURES AND SUBSTITUTES**

1. The information contained in this document is based on replies received from Members to requests for information on mixtures and substitutes, specifically:

- Measures taken to prohibit the sale and advertisement of products under the name of coffee if such products contain less than the equivalent of 95% green coffee as the basic raw material.
- Any difficulties encountered in enforcing such measures, together with the reasons for such difficulties and proposed ways of overcoming them.

2. This information was requested to assist the Executive Director in preparing a report in compliance with the provisions of Article 27 of the 2007 International Coffee Agreement, which provides that:

### **ARTICLE 27**

#### **Mixtures and substitutes**

- (1) Members shall not maintain any regulations requiring the mixing, processing or using of other products with coffee for commercial resale as coffee. Members shall endeavour to prohibit the sale and advertisement of products under the name of coffee if such products contain less than the equivalent of 95% green coffee as the basic raw material.
- (2) The Executive Director shall submit to the Council a periodic report on compliance with the provisions of this Article.

3. The aim of this document is to collate this information on the various regulations and measures adopted by Member countries in relation to mixtures and substitutes, in order to prohibit sales of products with less than 95% of green coffee as the basic raw material, as well as the difficulties encountered in enforcing such measures. Where possible, brief summaries or explanations have been provided for specific countries, however in some cases only very basic information has been made available.

4. Since the last update in August 2010, replies on mixtures and substitutes have been received from the following exporting countries: Colombia, Costa Rica, Ecuador, Haiti, Mexico and Sierra Leone. In terms of importing countries, replies have been received from the Czech Republic, Germany and Poland.

5. Previous replies from Belgium, Brazil, Bulgaria, Burundi, Colombia, Costa Rica, Czech Republic, Dominican Republic, Ecuador, El Salvador, France, Germany, Honduras, India,

Indonesia, Ireland, Japan, Latvia, Mexico, Papua New Guinea, Rwanda and Sweden are available in documents ICC-105-8, ICC-96-6 and ICC-90-6.

## I. EXPORTING COUNTRIES

### COLOMBIA

Article 1 of Law 126 of 1931 prohibits the sale of products under the name of 'coffee', if such products are not prepared solely on the basis of pure coffee.

### COSTA RICA

The legislation on this matter is contained in Executive Decree N° 59 of 15 December 1969, which authorizes duly registered roasting industries to manufacture other food products containing coffee to be used as beverages provided that they contain not less than 90% of green coffee, and that the additional raw material is high quality washed sugar. In addition, Law N° 1616 prohibits the sale and warehousing of roasted and ground coffee in mixtures or adulterated. The Technical Standards Institute of Costa Rica has recently published, in the Official Government Gazette, voluntary measures for consultation with third parties on control measures for roasted coffee and green coffee and its derivatives.

### ECUADOR

In cases where it is established that products are being sold under the name of coffee containing less than the equivalent of 95% of green coffee, this will be immediately reported to the national control agency responsible, namely the National Institute of Hygiene and Tropical Medicine 'Dr. Leopoldo Izquieta Pérez' (Instituto Nacional de Higiene y Medicina Tropical).

The Institute is responsible for issuing, suspending, cancelling or reissuing food safety registration certificates, based on the provisions of the Statutory Health Law, which, in accordance with the reorganization process for the national legal system through the deconcentration of competencies, has created effective control mechanisms and specialized agencies to ensure effective compliance with the decisions of the International Coffee Organization. Accordingly, Article 137 of the Statutory Health Law establishes that the import, export, marketing, distribution and sale of food products processed and/or manufactured either in the national territory or abroad will be subject to sanitary registration.

Relevant provisions in some of the articles of the Statutory Health Law related to this subject are detailed below:

- **Art. 138** establishes that the health authority's control agency, the National Institute of Hygiene and Tropical Medicine 'Dr Leopoldo Izquieta Pérez', which is responsible for carrying out its functions in deconcentrated form, is responsible for issuing, suspending, cancelling or reissuing sanitary registration certificates.

- **Art. 140** prohibits the import, export, marketing and sale of processed products for human consumption that do not comply with prior sanitary registration requirements, unless otherwise stipulated in this Law.
- **Art. 141** provides that sanitary registration will be suspended or cancelled by the national health authority through the Institute of Hygiene and Tropical Medicine 'Dr Leopoldo Izquieta Pérez', at any time if it is proved that the product or manufacturer failed to comply with the requirements and conditions established in the Law and its regulations.
- **Art. 142 *ibid*** provides that the national health authority, through its relevant agencies, will carry out periodic control of all products subject to sanitary registration by taking samples for quality control and safety analysis.
- **Art. 143 *ibid*** provides that advertising and promotion of products subject to sanitary registration should be related to their true nature, composition, quality or origin, in order to prevent any misconception as to their qualities or benefits, which will be controlled by the national health authority.
- **Sub-paragraph g) of Art. 146** relating to foodstuffs prohibits the sale of any products under names, trademarks, graphics or tags that make false claims or omit data so as to confuse or mislead the consumer.

In addition, the only sanitary registration request form for nationally processed foodstuffs issued by the Ministry of Public Health provides for the inclusion of a list of added ingredients, together with a technical preparation report.

## HAITI

No coffee mixtures and substitutes are sold under the name of coffee in the formal market. In the informal market, particularly in the case of traditional roasted coffee, black beans (*Phaseouls vulgaris*) and/or maize are added during preparation. However, imported substitutes, such as the various Nescafé products, are sold in supermarkets.

## MEXICO

Mexico has a regulatory framework to ensure processed coffee quality, more specifically for coffee mixed with sugar.

The regulatory framework is part of the Federal Government's National Standardization Programme designed to establish both voluntary and compulsory standards to ensure reference frameworks for the production and sale of products including foodstuffs, as in this case.

In this framework, Mexican Regulation NMX-F-173-S-1982, ROASTED COFFEE AND ROASTED COFFEE WITH ADDED SUGAR, which was drafted with the participation of various bodies, both in the public sector and in that of the private coffee roasting industry, has been in force since 1982.

This Quality Regulation is of a voluntary nature and establishes specifications to be complied with by any product marketed under the name of 'roasted coffee' or 'roasted coffee with added sugar' for preparing beverages destined for human consumption.

Sub-paragraph 4 of this Regulation establishes the following specifications for the classification of these products:

- Roasted coffee and roasted coffee with added sugar is classified under two types, each with the same quality grade, and are designated as follows:
  - **4.1 Roasted coffee type A:** 100% pure roasted coffee in bean form or ground, 'Altura', 'Prima lavado' and 'Buen lavado', containing up to 10% of caramelized sugars.
  - **4.2 Roasted coffee type B:** 100% pure roasted coffee in bean form or ground: 'Desmanches' and 'No lavados' or 'Naturales', containing up to 10% of caramelized sugars.
  - **4.3 Roasted coffee with added sugar type A:** 100% pure roasted coffee in bean form or ground: 'Altura', 'Prima lavado' and 'Buen lavado', containing from 11% to 30% of caramelized sugars.
  - **4.4 Roasted coffee with added sugar type B:** 100% pure roasted coffee in bean form or ground: 'Desmanches' and 'No lavados' or 'Naturales', containing 11% to 30% of caramelized sugars.

Sub-paragraph 8 of the Regulation establishes guidelines for labelling and packaging, stipulating that packaging of all products sold to consumers must include visible and indelible printed labels or tags, containing *inter alia* the following information:

- Name of product in accordance with the classification stipulated in this Regulation, including the percentage and type of caramelized sugar.

In addition, under the provisions of Mexican Regulation NOM-051-SCFI/SSA1-2010 "General specifications for labelling pre-packaged foodstuffs and non-alcoholic beverages – Commercial and Sanitary Information", compliance with which is compulsory throughout

the national territory, nutritional information for all foodstuffs containing more than one ingredient must clearly state this on the labels of pre-packaged products.

On the basis of the above provisions, 100% pure coffee commercially sold in Mexico is the only coffee product excluded from compliance with this Regulation since it is a product containing only one ingredient, namely coffee.

In the case of coffee with added sugar, for which the manufacturer is obliged to state the corresponding commercial name on the label, in accordance with the Regulation described above, these can be sold under the name of 'coffee' if the product contains up to 10% of sugar, or as a 'coffee mixture' if it contains between 11% to 30% of sugar.

In the light of the information provided above, it can be stated that throughout the national territory the sale and advertisement of products under the name of coffee and coffee mixtures, is not prohibited if the sugar content is in compliance with the standards indicated, since it does not contravene any legal provisions in force; moreover they are products that meet the needs of certain segments of the consumer market.

## **SIERRA LEONE**

We have no evidence of mixing of coffee; the coffee processed for local consumption is 100% green beans. The practice of mixing coffee and adding substitutes is not common in Sierra Leone.

## **II. IMPORTING COUNTRIES**

### **CZECH REPUBLIC**

Inorganic bromide: 30 mg.kg-1

According to the Decree No. 78/2003 only products from coffee beans can bear the name.

### **GERMANY**

Germany has implemented the provisions established under Article 36 (Mixtures and substitutes) of the International Coffee Agreement 2001, through the German Ordinance relating to coffee, coffee extracts and chicory extracts of 15 November 2001. The Ordinance not only stipulates the labelling of coffee, but also prohibits the marketing of roasted coffee that contains more than two grams of constituents other than green coffee per kilogram, unless it is labelled as unsorted coffee or low-quality coffee (Section 3). Thus the provisions of Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts have also been implemented in German law.

**POLAND**

Poland has no information on measures undertaken to prohibit sale of mixtures and substitutes of coffee.