



Codex Alimentarius

Focus on true threats, not disinformation

Codex Alimentarius, certainly in alternative circles, is often claimed to be the single greatest threat to our continued access to natural health products and wholesome foods. **Robert Verkerk** challenges some of the misconceptions and explains both what Codex is really about and what else we should be concerned about.

Above: The 31st Session of the Codex Alimentarius Commission, Geneva, July 2008.

If adopted in the UK, Codex Alimentarius will ban all effective vitamin, mineral and herbal food supplements and restrict them to 'prescription only'. This viewpoint forms the basis of a No 10 Downing Street

e-petition that, at the time of writing, is supported by nearly 18,000 signatures¹. Such views are rife on the Web and are causing great concern and confusion among an anxious public.

As I will show, elements of such

views are well founded, whilst others are less so. Most importantly, for those of us concerned about the threats posed by Codex, the parts that are unfounded give governments free rein to do nothing in response to concerns raised.

Among the diversity of viewpoints around the impact of Codex, some correctly allude to a much broader impact, one that goes well beyond the realm of food or dietary supplements. The problem here is that much of the detailed information often used to support the claims is incorrect. Such carelessness gives governments further reasons to ignore concerns. It also allows the misinformation to act as a smokescreen, concealing the real issues that need our attention if we are truly committed to helping reinstate natural approaches to healthcare as the dominant and rightful heir to existing mainstream, pharmaceutical-centred medicine.

Some of the misinformation on Codex appears to be deliberately disseminated, while other parts are unwitting reproductions of the misinformation by concerned yet naive individuals.² Among the common erroneous facts are:

- All nutrients (eg. vitamins and minerals) are to be considered toxins/poisons and are to be removed from all food because Codex prohibits the use of nutrients to 'prevent, treat or cure any condition or disease'.
- All food (including organic) is to be irradiated, thus removing all 'toxic'

nutrients from food (unless consumers can source their food locally).

- Nutrients allowed will be limited to a Positive List developed by Codex; it will include such 'beneficial' nutrients as fluoride (3.8 mg daily), sourced from industrial waste.
- All nutrients (eg. vitamins A, B, C, D, zinc and magnesium) that have any positive health impact on the body will be deemed illegal in therapeutic doses under Codex and are to be reduced to amounts negligible to health, with maximum limits set at 15% of the current Recommended Dietary Allowance (RDA). You will not be able to obtain these nutrients in therapeutic doses anywhere in the world, even with a prescription.
- It will most likely be illegal to give any advice on nutrition (including in written articles posted online and in journals as well as oral advice to a friend, a family member or anyone).
- All dairy cows on the planet are to be treated with Monsanto's genetically engineered, recombinant bovine growth hormone (rBGH).
- All animals used for food are to be treated with potent antibiotics and exogenous growth hormones.
- Use of growth hormones and antibiotics will be mandatory on all livestock, birds and aqua-cultured species meant for human consumption.
- The worldwide introduction of unlabelled and deadly GMOs into crops, animals, fish and plants will be mandated.

These are big claims indeed. They are also deeply worrying for anyone who cares about managing his or her health naturally, be it by consuming copious quantities of wholesome, organic whole foods or taking lashings of supplementary vitamins, minerals and herbs – or both. The problem is that these claims are not all true. Some are actually quite far off the mark, yet most contain elements of truth.

However, the fact that not a single one of them is completely accurate means that concerned citizens start to focus on the wrong problem, as well as the wrong solution to the problem. Worse still, people take their eyes off other balls that potentially pose greater threats to our pursuit of natural healthcare.

So what is Codex, what is its remit and how does it wield its power?

Its modus operandi

The Codex Alimentarius Commission (Latin for 'food code') is an inter-governmental organisation that sets

guidelines and standards to ensure 'fair trade practices' and consumer protection related to the global trade of food.³ It was established for this purpose in 1963 so has more than 40 years' experience controlling food in an ever-more globalized world. Admirable, some might say, but of course, just how are governments in Codex protecting health, based on what criteria and – what exactly is meant by 'fair trade practices'?

It's certainly got nothing to do with the fair trade movement that aims to support farmers and producers in developing countries while promoting sustainability. It's much more about a system of guidelines and standards that work to the advantage of the largest global food suppliers and producers. In such company, inevitably, small producers and suppliers get left out in the cold – as do small governments that disagree with the thrust of some of the decisions made under the Codex banner.

But how do governments make their decisions over how to control the world's food supply? Codex is comprised

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of over 40 committees, task forces and expert groups which deal with nearly every facet of food production. Codex's remit covers almost all areas of the food supply, ranging from cereals, cocoa, dairy, meat, meat hygiene, sugars and fresh fruit and vegetables to more controversial issues such as food labelling, food additives, contaminants in food, pesticide residues and genetically modified organisms (GMOs).

Committee meetings are hosted by particular national governments and held either in the host country or another part of the world. For example, the host government for the Codex Committee on Food Labelling is Canada, whilst that for the Codex Committee on Nutrition and Foods for Special Dietary Uses, which deals, among other things, with infant formulae and food supplements, is Germany.

All Codex country members are permitted to attend each annual meeting or 'session' and the meeting is facilitated and closely managed by the Committee's chair and secretariat that sits at the top table facing the delegates (see picture).

Behind the country delegates, which

typically comprise between three and five members, are the international, non-governmental organisations (INGOs). Depending on the meeting, these might include large consumer groups such as Consumers International, but they tend to be dominated by industry interests. That tends to mean the various international associations representing the food, pharmaceutical and biotechnology industries.

Decision-making in committee meetings is by so-called consensus among governments. INGOs are not allowed to vote, but they can certainly interject during meetings and therefore have the potential to influence decisions. However, because it seems that decisions are so often agreed by the most powerful nations before the start of proceedings, smaller governments or dissatisfied INGOs are often left frustrated and disempowered, finding it difficult to get support for their views.

Issues that Codex influences

There is no doubt that Codex develops the prime system of guidance for the global food supply. Whether we're looking at the amounts of pesticide residues or particular micro-organisms that are considered safe, the amount of gluten allowed in gluten-free foods, transport and storage systems for fresh fruit and vegetables or the safety of food additives or genetically modified (GM) crops, the particular Codex guideline or standard related to the issue is viewed as the key benchmark for trade.

One of the trends we see, given the disproportionate influence of very large corporate concerns, is that GM foods, contaminants, additives, pesticide residues and other synthetic chemicals that many regard as intrinsically harmful, are pushed for all they're worth, being deemed safe at those concentrations typically used in processed foods.

On the other hand, those things we consider intrinsically beneficial, such as vitamins and minerals, are given a very tough ride. If that weren't enough, healthy food production systems such as organically produced foods, under the standards issued through Codex, are increasingly degraded in order to suit the needs and interests of the transnational corporations, which are the key beneficiaries of the global food trade.

Looking at the diverse range of issues covered by Codex, it's possible to tease out some of those of greatest concern to natural health. Under specific headings, some of the most important issues which Codex affects that impact our ability to manage our health naturally are:

Genetically modified (GM) food

- Driven by GM interests which argue world food requirements cannot be met without global implementation of GM;
- Led by USA and Canada; EU may cave to pressure;
- GM food plants being given the green light on safety;
- ‘Terminator’ seeds could be approved for international trade;
- GM food animals are on the way.

Organic food

- ‘Dumbing-down’ of organic standards to suit interests of large food producers;
- Promotion of large-scale, high-input agriculture and international freight;
- Approval of various synthetic chemical additives and ‘processing aids’ in organic foods;
- No outright ban on use of irradiation post-production;
- Labelling allows use of hidden, non-organic ingredients.

Food additives

- Approval as safe around 300 different food additives (mainly synthetic) including aspartame, BHA, BHT, potassium bromate, tartrazine, etc;
- No consideration given to potential risks associated with long-term exposure to mixtures of additives.

Pesticide residues

- Allows significant residues of over 3,275 different pesticides, including those that are suspected carcinogens or endocrine disruptors, eg. 2,4-D, atrazine, methyl bromide;
- No account taken of long-term effects of exposure to mixtures of residues in food.

Food/dietary supplements

- Setting very low maximum daily doses for supplements using scientifically flawed risk assessment methods;
- Effectively establishing international borderline between foods and drugs for nutrients, forcing therapeutic nutrients into drug category;
- Requirement for clinical trials to substantiate health claims; too expensive for small companies. Therefore provides passport system for big corporations and acts as obstacle to freedom of speech for smaller ones;
- Setting of unnecessarily low Nutrient Reference Values which seriously understate requirements for long-term optimum health for given sub-populations, age groups and genders.

Because many of the issues take years to resolve, needing to work their way

The WTO – Codex’s policeman

The World Trade Organization (WTO) replaced the General Agreement on Tariffs and Trade (GATT) in 1996 as the international body responsible for governing and liberalising world trade, while also settling trade disputes. Its 153 country members are responsible for around 95 percent of world trade. It is a partially private organisation controlled by ‘ministerial conferences’, a secretariat and a Director General, currently Frenchman Pascal Lamy, and headquartered in Geneva.

The world’s largest corporations have considerable influence in negotiations through their representation as international non-governmental organisations (INGOs). Voting is theoretically by consensus, with each member country carrying one vote, but in practice much of the negotiation occurs behind closed doors by the most powerful trading members. This has caused great consternation among developing countries that are all too often excluded from such ‘Green Room’ negotiations (the term originates from the colour of the WO Director-General’s office). Dispute settlement and the imposition of sanctions are seen as the key ways by which the WTO enforces its globalisation agenda.

Much of the WTO’s agenda was developed through negotiations by western governments during the period 1986–94 under GATT. Since 2001, the WTO entered a new period of negotiations under the Doha Development Agenda (often referred to as the Doha Round), which supposedly aimed to redress trade imbalances that worked to the detriment of developing countries, the habitat of the majority of the world’s population. The Doha Round has proved highly controversial and the latter have frequently argued that they are disadvantaged in the negotiations.

Official WTO website: www.wto.org.

through the long-drawn-out, iterative, eight-step, consensus-based, decision-making process detailed in the Codex Procedural Manual,⁴ sharp time-lines are rarely known until an issue is in the very late stages of consideration. Moreover, the impact of any standard or guideline is not immediate, as its impact is normally only really noticed by consumers or producers once national laws have been harmonised with Codex.

But when citizens express their concerns about Codex to their governments, the common response is along the lines of: ‘Don’t worry, Codex is a voluntary system of guidelines and standards that is not mandatory. Codex doesn’t represent the law.’ The US Food & Drug Administration (FDA) has made its views on this clear for several years,⁵ particularly given that most American concerns about Codex have centred around its impact on the US’s fertile, dietary supplements industry.

While the FDA attempts to downgrade the significance of Codex in the creation of laws on foods and related substances, such as dietary (food) supplements, it is somewhat economical with the truth. It rightly pinpoints Article 3 of the Sanitary and Phytosanitary (SPS) Agreement of the World Trade Organization (WTO) as being of significance, but in my view, wrongly dismisses its crucial relevance.

Why are countries forced to dance to the Codex tango?

While countries like the USA are vocalising that they have no intention of harmonising their national laws with Codex guidelines, they admit they will have to comply for exports in order to avoid falling foul of the global trade policeman, the WTO (see box). But these claims are both deceptive and hollow; they fail to take into account the full implications of the double-edged sword that is Codex, dealing on one hand with the facilitation of global trade and, on the other, the restriction of trade, supposedly on the basis of consumer safety.

As we’ve seen, the whole purpose of Codex Alimentarius is to instigate a system of guidelines to which countries can adapt their laws to facilitate so-called, fair trading practices in relation to food. That means *removing* barriers to trade. And since the WTO arbitrates on such matters, let’s examine the WTO’s SPS Agreement.⁶

The Agreement, under Article 3, specifically requires that countries harmonise their sanitary and phytosanitary measures with international guidelines, standards or recommendations. This article specifically uses the verb *shall* rather than *should*. The Agreement clearly states that for matters concerning food safety, those guidelines, standards or recommen-

dations established by the Codex Alimentarius Commission are the ones relevant for harmonisation. Since the Agreement quite centrally deals with the issue of consumer protection, it follows that countries are mandated to harmonise their national laws to Codex. In actual fact, countries can be even more restrictive than Codex, under the terms of Article 3(3), although such restriction needs to be scientifically justified.

Should there be a dispute over the effect of a country's laws restricting trade or not adequately protecting consumers, the WTO Dispute Settlement Body (WTODSB) can be summoned to arbitrate. This of course is something that powerful nations can entertain, while for smaller, developing countries, dependent on food trade, getting sucked into a trade dispute is likely only to end in tears.

A good example of the consequences of a trade dispute managed through the WTODSB is the long-running case of the EU ban on imports of beef treated with artificial growth hormones in the US and Canada. The dispute costs the EU over \$116 million annually in sanctions paid to the US, with another \$11m paid to Canada, and has now run for over 10 years with still no resolution in sight!⁷

Compliance is the only real option unless your pockets are as deep as those of a powerful trading bloc, like the EU.

Bottom line

The Codex Alimentarius Commission is responsible for establishing a system of guidelines, standards and recommendations that guides the direction of the global food supply. It aims to tell us what is safe, but in the process often uses criteria that are often manipulated to support the interests of the world's largest corporations.

Given that Codex does not create laws but merely delivers guidelines, standards and recommendations, its outputs are characterised as innocuous by many governments and corporations that benefit from them. The reality is that most countries find they have no option but to harmonise their laws to Codex as they are unable to face the sanctions imposed on them by the WTODSB, the ultimate enforcer of Codex's rules governing the global food trade.

When it comes to us either being poisoned by pollutants or chemicals in our food, or having our fundamental rights and freedoms restricted by losing access to wholesome, natural foods and nutrients, it is of course not Codex itself that provides the legal instrument that impacts us; it is the national and regional

laws of countries. This distancing of Codex from the law seems to allow Codex to escape direct culpability – but of course also makes its operation so insidious.

As the global food trade continues to expand and regional and local food production comes under increasing pressure from the biggest agricultural and food producers in the world, Codex continues its work. In some cases, Codex guidelines and standards are built on existing legal templates, such as in the case of the Codex Guideline on Vitamin and Mineral Food Supplements, which is modelled closely on the EU Food Supplements Directive. Codex then allows this model to be exported inter-

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nationally. In other cases, such as GM foods, where the US legal model is based on one that assumes they are safe, it is increasingly acting as the international model for biotechnology products.

Although we can all engage with our governments to try to show them the short-sightedness of so much that they engage with within the committee rooms of Codex, probably our most powerful weapon is our ability to choose what we eat. While many of us are still able to exercise freedom of choice, one of the most effective actions we can take is to be selective in our choice of foods.

We should, for example, support those food production systems that contribute positively to our health, while rejecting those that don't. We also have to ensure those around us – and especially our children – understand the importance of consumer power. Combine this with targeted lobbying of

governments and elected representatives and we could see fundamental change to our food supply, a change that has the ability to facilitate our return to the foods to which our genes have adapted over millennia. ☺

References

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Key action steps

- **Political action:** make sure you make your views known both about national and European laws – as well as Codex – to your governments and elected representatives. In the UK, this includes your Member of the European Parliament and your MP.
- **Consumer action:** do not buy or eat processed foods, GM foods^{8, 9} or foods containing food additives wherever possible. Try to buy or cultivate organic foods or foods to which pesticides have not been applied.
- **Social action:** make others aware of the risks posed to our food supply by European and other national or regional laws and Codex. Stay informed and use only reliable resources providing accurate information. Help your friends, relatives and other contacts to appreciate the risks of processed, GM and unnatural foods. Stress the importance of chemical-free, locally or regionally produced, whole foods in the diet.