



International Coffee Council  
122<sup>nd</sup> Session  
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London, United Kingdom

**Mixtures and substitutes**

**Background**

1. In accordance with Article 27 of the International Coffee Agreement 2007, Members are required 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. Within this context, the Executive Director is required to submit to the Council periodic reports on compliance with this Article.
2. In July 2018 the Executive Director requested all Members of the Organization to provide information on measures taken in their countries to comply with the provisions of this Article and any difficulties encountered in enforcing such measures, together with the reasons for such difficulties and proposed ways of overcoming them (see document [ED-2270/18](#)). This document contains responses received from Members in July and August 2018 and also incorporates replies received since September 2010.
3. Members who have not yet replied are requested to do so as soon as possible.

**Action**

4. 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. The aim of this document is to collate information on the various regulations and measures adopted by Member countries in relation to mixtures and substitutes. Where possible, brief summaries or explanations have been provided for specific countries, however in some cases only very basic information has been made available.

3. Replies to the survey on mixtures and substitutes (see document [ED-2270/18](#)) have been received from the following exporting countries: Angola, Cameroon, Democratic Republic of the Congo, Costa Rica, Ghana, Honduras, Nicaragua, Rwanda, Sierra Leone, Togo and Uganda. In terms of importing countries, replies have been received from the European Union (Germany) and Japan.

4. This document also incorporates previous replies from the following countries, received since September 2010: Brazil, Colombia, European Union (Czech Republic, Bulgaria, France and Latvia) Ecuador, Haiti, Indonesia and Mexico.

## **I. EXPORTING COUNTRIES**

### **ANGOLA**

The regulation on the quality of roasted coffee and its byproducts is being prepared.

### **BRAZIL<sup>1</sup>**

Regulation 16, published in the Official Gazette on 25 May 2010, sets out quality standards of roasted and ground coffee sold to consumers, whether produced in Brazil or imported. It will take effect from 1 February 2011 and be legally binding. It establishes maximum limits of 1% and 5% on impurities and moisture content respectively, in addition to rules on labelling and a classification for sensory characteristics such as taste and aroma. Products will need to score at least four out of ten in a global cup quality scale.

### **CAMEROON**

In the absence of regulations on mixtures and substitutes, coffee processing units use the standards of the European Union.

### **COLOMBIA<sup>2</sup>**

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.

### **DEMOCRATIC REPUBLIC OF THE CONGO**

Processed coffee for local consumption is 100% green beans. The practice of mixing coffee is not common in the Democratic Republic of the Congo. However, there are imported substitutes such as: Nescafe, Puscafe, etc. The only authorized substitute for export in 2017 is Cascara (dry coffee pulp).

### **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.

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<sup>1</sup> As reported in document [ICC-105-8](#), September 2010.

<sup>2</sup> As reported in document [ICC-113-8](#), September 2014.

### ECUADOR<sup>3</sup>

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.

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<sup>3</sup> As reported in document [ICC-113-8](#), September 2014.

- **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.

#### **GHANA**

All coffee products are 100% from green coffee. There is no known mixtures or substitutes.

#### **HAITI<sup>4</sup>**

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.

#### **HONDURAS**

In accordance with Article 27 (Mixtures and substitutes) of the International Coffee Agreement 2007, which calls on Member countries not to promote the mixing, processing or using of other products with coffee for commercial resale as coffee, and to endeavour to prohibit the sale and advertisement of mixtures of products if they contain less than 95% green coffee as the basic raw material, we wish to report that the national institutions of the coffee industry and players in the agro-industrial coffee chain in Honduras are working with the Honduran Standardization Agency (Órgano Hondureño de Normalización, OHN) on developing a technical standard to govern these matters.

#### **INDONESIA<sup>5</sup>**

No specific policy on mixtures and substitutes. Regulation 41/M-DAG/PER/9/2009 does not cover mixed/processed coffee products. No mixed/processed coffee is sold on the market as 'coffee'. Coffee-related regulations are in line with Article 36 of the ICA 2001.

#### **MEXICO<sup>6</sup>**

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

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<sup>4</sup> As reported in document [ICC-113-8](#), September 2014. Haiti is a non-member country.

<sup>5</sup> As reported in document [ICC-105-8](#), September 2010.

<sup>6</sup> As reported in document [ICC-113-8](#), September 2014.

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.

## **NICARAGUA**

Among the provisions on the mixing of coffee with other products, Nicaragua has issued the following: Decree No. 408 of 1958 prohibits the sale of adulterated coffee, stating expressly that it is prohibited to sell or dispense coffee in any form, whether roasted, ground or as a powder or liquid, where it is mixed with foreign matter, with the exception of sugar, that is to say, when it is not 100% pure coffee. The same prohibition extends to the sale of coffee in powder form, where the constituent elements that give it its aroma, taste and specific properties have been removed by infusions or other means.

### **Decree No. 408 of 1958 prohibiting the sale of adulterated coffee**

**Article 1** – It is prohibited to sell or dispense coffee in any form, whether roasted, ground or as a powder or liquid, where it is mixed with foreign matter, with the exception of sugar, that is to say, when it is not 100% pure coffee. The same prohibition extends to the sale of coffee in powder form, where the constituent elements that give it its aroma, taste and specific properties have been removed by infusions or other means.

**Article 2** – Any natural or legal person owning a coffee roasting or grinding plant that is found to have committed any of the following acts shall be deemed to be in contravention of this law:

- (a) Holding mixed or adulterated coffee in its depots, stores, plants or outlets.
- (b) Holding in its stores or facilities articles or substances such as corn, wheat, etc., which, it is concluded, taking account of all the circumstances, can normally be used on their own for the sole purpose of adulterating coffee.

**Article 3** – In the absence of evidence to the contrary that another specific, known person is culpable, a dealer in whose establishment it is found that the samples collected, in open or sealed bags or in any other form of container or package, contain adulterated or mixed coffee, shall be presumed to have committed the corresponding offence.

**Article 4** – Persons carrying out or intending to carry out the roasting or grinding of coffee for dispensing to the public must register their plant annually (each calendar year) in the register kept for that purpose by the Ministry of Public Health and the Association or Cooperative Society in public limited company form for the Nicaraguan coffee industry.

**Article 5** – The registrations referred to in the preceding article shall be verified in books duly initialled and paginated by the Senior Official of the Ministry of Public Health, and the application to give effect thereto shall be made in writing, providing all the necessary identity details of the applicant and its plant or such details as are required in the forms supplied for the purpose, to be accompanied by samples of the packaging, distinctive signs or trademarks to be used by the plant producing the product, which must always bear the wording that the product is 100% pure coffee.

The Ministry of Public Health will charge the sum of 10 Nicaraguan córdobas (C\$) as a fee for each registration, which shall be used to maintain the Registry Office. The Cooperative in public limited company form for the Nicaraguan coffee sector shall be registered free of charge.

The fees payable for registration with the Ministry shall be paid in advance to the Revenue Office (Administración de Rentas) in Managua.

**Article 6** – No coffee roaster without the prior registrations mentioned above may advertise, prepare or sell roasted or ground coffee, under penalty of incurring the fines laid down herein.

**Article 7** – Any transfer of title in respect of the plants mentioned above must be registered with the aforementioned Offices, and the same fees must be paid as for the original registration.

**Article 8** – The Ministry of Public Health shall be responsible for monitoring strict compliance with this law, and shall be obliged to bring any contraventions hereof to the attention of the Office concerned:

- (a) The appropriate health inspectors or authorities.
- (b) The police authorities.
- (c) The Treasury Guard (resguardos de hacienda).
- (d) The Cooperative Society in public limited company form for the Nicaraguan coffee sector.

**Article 9** – Reported contraventions shall be dealt with by the Chief Inspector of the Health Inspection team appointed for the purpose by the Ministry of Public Health, where applicable following the governmental procedure set out in Articles 551 and 552 of the Police Regulations, and, once they have been verified, the Ministry of Public Health shall issue a ruling applying the penalty laid down herein.

**Article 10** – An appeal may be lodged with the Ministry of Public Health against the ruling referred to in the preceding Article, upon payment of the respective fine, and thereafter the rules laid down in Articles 555, 557, 559 and 560 of the Police Regulations shall be followed, where applicable. No appeal shall be permitted against the resulting decision.

**Article 11** – For contraventions of this law, the Ministry of Public Health, in addition to seizing and burning the adulterated product as appropriate, shall impose the following penalties:

- (a) For the first offence, a fine of C\$200 to C\$600.
- (b) For the second offence, a fine of C\$601 to C\$1,200.
- (c) For the third offence, a fine of C\$1,201 to C\$2,500 and permanent closure of the premises or business.

In the case of retail sales or dispensing where the value of the adulterated product is lower than the amount of the fine, the Ministry of Public Health shall reduce the fine to an amount equal to three times the value of the product; but in no circumstances shall this be less than C\$50, C\$100 and C\$200, in the cases of subparagraphs (a), (b) and (c), respectively.

**Article 12** – Once the judgment of the Ministry of Public Health has been declared enforceable, a copy thereof shall be issued to the Revenue Officer of the Administrative Department where the offence was committed or to the appropriate fiscal agent, to ensure that the official concerned receives the appropriate amount of the fines.

**Article 13** – Should eight days elapse without payment of the fine by the convicted party, the Ministry shall, by virtue of this fact alone, in the cases of subparagraphs (a) and (b) of Article 11, order the closure of the premises until such time as the fine is paid, and the Revenue Officer shall furthermore charge the said convicted party a penalty of C\$20 a day for each day elapsing after the aforementioned eight days without the fine having been paid. In the case of subparagraph (c), the penalty shall be C\$60 a day.

**Article 14** – The fines paid to the Revenue Office shall be distributed as follows:

Any individuals who have reported the contraventions of this law to the Ministry of Public Health shall receive 40% of the respective fine, and the remaining 60% or, where there is no informer, the full amount of the fine shall be paid to the Ministry of Public Education.

The payment of the aforementioned 40% shall be ordered by the Ministry of Finance to be made to the Ministry of Public Health, once the latter so requests in a memorandum to that effect, to be handed over to the informer, without disclosing the latter's name. The percentage corresponding to the promotion and development programmes mentioned in this Article shall be ordered to be paid by the Ministry of Finance to the Cooperative Society for the Nicaraguan coffee industry, every three months, at the request of said body.

**Article 15** – To fulfil the purposes of this law, the Ministry of Public Health will be granted the authority to cause any inspections that it deems appropriate to be carried out at the places or business premises mentioned herein, and in the books kept for that purpose at those premises.

**Article 16** – This Decree shall come into force from its publication in the Official Gazette (La Gaceta), and revokes the Executive Decree of 26 October 1948.

## **RWANDA**

No coffee mixtures and substitutes are sold under the name of coffee in the local market. Particularly in the case of traditional roasted coffee, however, imported substitutes, such as Nescafé products, are sold in supermarkets

General specifications for labeling pre-packaged foodstuffs and beverages – Commercial, Sanitary Information, nutritional information for all foodstuffs containing more than one

ingredient must clearly be stated on the labels of pre-packaged products. On the basis of the above provisions, 100% pure coffee is commercially sold in Rwanda as 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

As of now we have no evidence of mixed coffee and other substitutes on the local market, the coffee processed for local consumption is 100% green beans. The practice of mixing coffee and adding substitutes is not common in Rwanda.

#### **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.

#### **TOGO**

There is no coffee substitute in Togo since a natural production system is observed with sun drying without artificial treatment. Moreover, strict post-harvest quality control and close monitoring of exports contribute to maintain good quality coffee from Togo.

#### **UGANDA**

We have no evidence of mixing of coffee; the coffee processed for consumption is 100% green beans. The practice of mixing coffee and adding substitutes is not common in Uganda. However, Coffee regulations of 1994 prohibits the sale of products under the name of coffee, if such products are not prepared solely on the basis of pure coffee.

## **II. IMPORTING COUNTRIES**

### **EUROPEAN UNION – BULGARIA<sup>7</sup>**

Imports of 'roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof', CN code 210130 for 2007, 2008 and 2009 were 34, 21 and 40 tons respectively. There is no domestic production and re-exports are negligible. Consumption of substitutes of coffee is considered equal to imports.

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<sup>7</sup> As reported in document [ICC-105-8](#), September 2010.

### **EUROPEAN UNION – CZECH REPUBLIC<sup>8</sup>**

Inorganic bromide: 30 mg.kg-1

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

### **EUROPEAN UNION – FRANCE<sup>9</sup>**

Denomination of raw, roasted, ground and decaffeinated coffee is defined under Ordinance No. 91-340 of 3 April 1991. Products have to be strictly labelled to distinguish substitutes, extracts or mixtures. Ordinance 2001-977 of 26 October transposes Directive 1999/4/EC of the European Parliament and the Council of 22 February 1999, concerning the denomination of coffee extracts and chicory extracts.

### **EUROPEAN UNION – GERMANY (unchanged since 2014)**

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.

### **EUROPEAN UNION – LATVIA<sup>10</sup>**

No national regulations 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.

### **JAPAN (unchanged since 2006)**

In November 1991, The Fair Trade Commission of the Japanese Government authorized The Fair Competition Code for Description of Regular Coffee and Instant Coffee Products of the All Japan Coffee Fair Trade Council, which stipulates those coffee products, must only use coffee green beans as raw material. Any products containing additives other than coffee or its substitutes cannot be sold under the name of coffee in the Japanese market. Flavoured coffee, however, can be sold as a mixture of coffee and flavour.

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<sup>8</sup> As reported in document [ICC-113-8](#), September 2014.

<sup>9</sup> As reported in document [ICC-105-8](#), September 2010.

<sup>10</sup> As reported in document [ICC-105-8](#), September 2010.