



No. 4 - August 2019

New EU Spirit Drinks Regulation

On 17 May 2019, Regulation (EU) 2019/787 was published, in which the terminology, designation, presentation and labelling of spirit drinks is governed. In addition, the use of the designations of spirit drinks regarding the presentation and labelling of other foods is regulated. It also includes provisions on the protection of geographical indications for spirit drinks and the use of ethanol and distillates of agricultural origin in alcoholic drinks. On the whole, the labelling provisions were tightened (Official Journal L 130 from 17 May 2019, Page 1). In connection with the ECJ sentence dated 25 October 2018 regarding the inadmissibility of the use of milk in advocaat (C-462/17), it should be noted here that in the new EU Spirit Drinks Regulation, in Appendix I Nos. 39 and 40, the requirements for advocaat and liqueurs with egg were modified. Milk products are now explicitly mentioned as permissible ingredients.

The regulation came into force on 24 May 2019 and will predominantly apply as of 25 May 2021. Simultaneously, the previous Spirit Drinks Regulation (EC) No. 110/2008 will be abrogated – with several exceptions – as of 25 May 2021. Provisions regarding the use of geographical indications and the modified requirements for advocaat and liqueur with egg have been valid since 8 June 2019.

Statements of the ALTS

The working group of experts (ALTS) that deals with the field of food hygiene and food of animal origin made two decisions at its 82nd working conference:

■ Prepackaged raw meat – indication of the conditions of storage/use:

the indication of shelf life as "unopened... use by..." does not require the indication of conditions of storage or use according to Article 25 LMIV (Food Information Regulation) (EU) No. 1169/2011.

■ Labelling of lactase in the list of ingredients of lactose-free milk:

according to the *Guidance Document on Criteria for Categorisation of Food Enzymes* of the Commission from 24 February 2014, the type and the extent of the effect on the marketed food is decisive for the classification of the food enzyme lactase as an ingredient, additive or processing aid. As lactose reduction or lack of lactose in the final product

cannot be achieved without lactase, lactase cannot be classified here as a processing aid. Therefore, an indication of lactase in the list of ingredients is essential.

Note: statements of the ALTS are not legally binding, but they can be considered as expert opinions.

The respective exact wording is published in German at www.bvl.bund.de (\rightarrow direct link to the ALTS).

News from the BfR

The German Federal Institute for Risk Assessment (Bundesinstitut für Risikobewertung (BfR)) published, amongst others, the following:

- Titanium dioxide FAQ:
- on 22 May 2019, a catalogue of questions and answers regarding the subject of titanium dioxide was published in German
- (https://www.bfr.bund.de/de/titandioxid___es_besteht_noch_forschungsbedarf-240812.html).
- Energy drinks: for children and youngsters, the excessive consumption of energy drinks increases health risks for the cardiovascular system. Therefore, the BfR recommends extending corresponding awareness (Statement No. 018/2019 dated 27 May 2019:

https://www.bfr.bund.de/en/press_information/2019/17/excessive consumption of energy drinks increases_health_risk_for_children_and_adolescents-241793.html).

- BfR2GO: issue 1/2019 of the scientific magazine of the BfR ("BfR2GO") was released and is available at https://www.bfr.bund.de/cm/364/bfr-2-go-issue-1-2019.pdf.
- Microplastics FAQ: on 5 June 2019, the BfR gave answers to frequently asked questions regarding the subject of microplastics in a catalogue of questions and answers

(https://www.bfr.bund.de/en/questions_and_answers_on_microplastics-192775.html).

■ Phosphoric acids and phosphates: in their Communication No. 022/2019 from 13 June 2019, the BfR reports on the reassessment of phosphates through the EFSA (European Food Safety Authority). As an acceptable daily intake (ADI), a value of 40 mg/kg body weight and day (expressed as phosphorus) was deduced. However, this ADI

does not apply to persons with impaired renal function. Nurslings, small children and children may also exceed the ADI value

(https://www.bfr.bund.de/cm/349/babies-infants-and-children-can-exceed-the-health-guidance%20values.pdf).

Publications of the BVL

Amongst others, the Federal Office of Consumer Protection and Food Safety (BVL) released the following information:

- Veterinary drugs: in the specialist announcements from 13 May and 20 June 2019, the BVL published notices regarding the approval of veterinary drugs and other official acts
- (in German: https://www.bvl.bund.de/DE/05_Tierarznei mittel/05_Fachmeldungen/tam_fachmeldungen_node .html).
- Food fraud: in the press release dated 21 June 2019, the BVL provided the information that, this year, within the scope of the worldwide operation OPSON VIII which is coordinated by Europol and INTERPOL, a total of 13 European countries are jointly investigating any cases of fraud regarding coffee. In individual cases, Arabica beans were replaced by the cheaper Robusta beans
- (https://www.europol.europa.eu/newsroom/news/over -%E2%82%AC100-million-worth-of-fake-food-anddrinks-seized-in-latest-europol-interpol-operation).
- Milk: in the press release dated 28 May 2019, the BVL compiled information on milk and recommends sensitive groups to abstain from raw and attested milk because of the bacterial load
- (in German: https://www.bvl.bund.de/DE/08_Presse Infothek/01_FuerJournalisten_Presse/01_Pressemittei lungen/01_Lebensmittel/2019/2019_05_28_PI_LM Milch.html).
- Safeness regarding the creative preparation of food: not every tip regarding the preparation of food that is disseminated in cookery shows or social media is worthy of imitation. Not every material is suitable for cooking and baking. Flowerpots, for example, are inappropriate for bread baking, since they are not intended for contact with food and undesired substances or even substances that are harmful to health may migrate into the food during preparation. Therefore, and in order to be protected against the intake of such undesired and harmful substances, the BVL recommends using only those materials and items for preparation that are intended for this purpose (in German:

https://www.bvl.bund.de/DE/08_PresseInfothek/01_FuerJournalisten_Presse/01_Pressemitteilungen/01_Lebensmittel/2019/2019_05_15_PI_LM_Kontaktmaterialien.html).

Modifications Regarding Pesticides

■ Pesticides with the active agents chlorpropham, dimethoate and metazachlor: the approval of the active agents chlorpropham and dimethoate in Germany will expire on 31 July 2019. This is due to

the corresponding Implementing Regulation (EU) Nos. 2019/989 and 2019/1090 (Official Journal L 160, Page 11 and L 173, Page 39).

In addition, on 13 June 2019, the BVL revoked the use of pesticides with the active agent metazachlor for use on leek, arugula, garden radishes, radish, St John's wort and horse radish. As regards leek, it was stated that the permissible maximum residue levels (MRL) cannot be observed. As to the other cultures that are mentioned, it cannot be ensured that the MRL can be complied with according to the BVL data situation (in German:

https://www.bvl.bund.de/DE/04_Pflanzenschutzmittel/ 01 Aufgaben/02 ZulassungPSM/01 ZugelPSM/03 Widerrufe/psm_ZugelPSM_widerrufe_node.html).

Note: extensive information on approved pesticides, revoked and suspended approvals and also on emergency approvals, for example, can be retrieved on the homepage of the Federal Office of Consumer Protection and Food Safety (BVL) at www.bvl.bund.de

(https://www.bvl.bund.de/EN/04_PlantProtectionProducts/01_ppp_tasks/02_ppp_AuthorisationReviewActSub/01_%20ppps_authorised/ppp_authorised_node.html).

■ Maximum residue levels (MRL): with Regulations (EU) 2019/973, 2019/977 and 2019/1015, the MRL of the following pesticide active agents were modified:

aclonifen, aminopyralid, *Beauveria bassiana* strain PPRI 5339, bispyribac, captan, *Clonostachys rosea* strain J1446, cyazofamid, denatonium benzoate, fenoxycarb, fenpyrazamine, flurochloridone, flutianil, kresoxim methyl, lambda-cyhalothrin, mandipropamid, mefentrifluconazole, penconazole, propaquizafop, pyraclostrobin, quizalofop-p-ethyl, quizalofop-p-tefuryl, spiromesifen, spirotetramat, tebufenozide, teflubenzuron and tetraconazole.

Sentences

- ECJ Allusion to a geographical area (protective designation of origin "Queso Manchego"): on 2 May 2019, the European Court of Justice (ECJ)
- decided that the use of figurative marks that allude to the geographical area that is connected with a protective designation of origin, may represent an unlawful allusion to this protective designation of origin

(C-614/17; https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-05/cp190055en.pdf).

- ECJ Inadmissibility of the refrigeration of the meat of freshly slaughtered animals in a lorry: in its sentence dated 2 May 2019 (C-98/18), the ECJ stated that the meat, after slaughtering, must be cooled to 7° C on the premises of the slaughterhouse. It is only then that it can be loaded on a refrigerated lorry.
- Nutrition information "per portion" on the front side of a cereal pack:
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in the opinion of the Higher Regional Court Hamm,

the unsolicited repetitive indication of nutritional values on the front side of the package of crunchy cereals that refers to the prepared portion of the product is considered to be consonant with the Food Information Regulation (Higher Regional Court Hamm, 4 U 130/18, sentence from 13 June 2019). The District Court Bielefeld, as a court of lower instance, still argued in its sentence on 8 August 2018 (3 O 80/18) that an indication of the energy value per 100 g of the non-prepared product would also be necessary on the front side

(in German: http://www.olg-hamm.nrw.de/behoerde/ presse/pressemitteilung_archiv/02_aktuelle_mitteilungen/023 19 PE 4-U-130 18- Naehrwertangabenauf-Muesliverpackung.pdf).

Miscellaneous

- Infant formulae and follow-up formulae: with the delegated Regulation (EU) 2019/828 dated 14 March 2019 for the modification of the delegated Regulation (EU) 2016/127, the maximum content for vitamin D was reduced from 3 to 2.5 μg/100 kcal. Furthermore, the maximum content of erucic acid was reduced from 1.0% to 0.4% of the total fat content. The regulation came into force on 12 June 2019, but the specifications of Regulation (EU) 2016/127 that is modified by that will only apply from 22 February 2020 (Official Journal L 137 dated 23 May 2019, Page 12; Official Journal L 25 dated 2 February 2016, Page 1).
- Novel Food: with the Implementing Regulation (EU) 2019/760 of the Commission dated 13 May 2019, biomass of the yeast *Yarrowia lipolytica* was

included in the Union List as a novel food (Official Journal L 125 dated 14 May 2019, page 13).

- Aroma Deletion from the Union List: with Regulation (EU) 2019/799 dated 17 May 2019, the entry regarding the flavouring agent furan-2(5H)-on of Appendix I Part A of Regulation (EC) No. 1334/2008 was deleted. The variations regulation came into force on 21 May 2019 (Official Journal L 132 dated 20 May 2019, page 13).
- Mustard BLL guideline: the German Federation for Food Law and Food Science (Bund für Lebensmittelrecht und Lebensmittelkunde e.V (BLL)) published the revised version of the guideline for the evaluation of mustard ("Richtlinie zur Beurteilung von Senf") in German at https://www.bll.de/de/infomaterial/richtlinien.
- Meat/meat products Guiding principles: on 9 May 2019, the updated guiding principles for meat and meat products (Leitsätze für Fleisch und Fleischerzeugnisse") were published in German as a consolidated version in the Federal Gazette (https://www.bmel.de/SharedDocs/Downloads/Ernaehrung/Lebensmittelbuch/LeitsaetzeFleisch.pdf;jsessionid=5C289CACB1EBE5BF0CC4A99DAD74B80A.1cid358?_blob=publicationFile).

Last update: 1 July 2019

Date of publication: 28 August 2019

EC Alert Notifications

Following are notifications chosen from the European Rapid Alert System for Food. Considered were alerts, information and border rejections which arrived **between 15 May 2019 and 30 July 2019**.

Source

https://www.bvl.bund.de/EN/01 Food/ 01 tasks/04 RapidAlertSystem/01 RASFF notifications/RASFF notifications node.html (extracts of the RASFF, anonymized and shortened by editorial preparation at the BVL)

Reason for Notifying	Product	Country of Origin	Notes	Number
Mycotoxins				
Aflatoxins total: 217	nuts, nut products, figs, pistachios, peanuts, almonds, melon kernels, apricot kernels, para nuts			161
	basmati rice, organic rice	unknown	B1: 4.49 μg/kg	3
	organic chili flakes, chili, chili powder, cayenne powder	India, Sri Lanka	B1: up 39.1 µg/kg	11
	fruit porridge	Germany (produced Italy)		3
	dates	Pakistan		2
	spice mixture, paprika powder, organic ginger, nutmeg	Pakistan, Kosovo, Nigeria, China, India, Indonesia	B1: up 20.6 μg/kg; total: up 21.82 μg/kg	19

Reason for Notifying	Product	Country of Origin	Notes	Number
	organic maize, popcorn maize	Italy, France (raw mat. Portugal)	B1: 15.8 μg/kg; total: 16.6 μg/kg	3
	caramel sweets	Ukraine	B1: 29.6 μg/kg; total: 36.5 μg/kg	1
	sunflower seeds	Serbia	B1: 21 μg/kg; total: 23 μg/kg	3
	chia seeds	Uganda	B1: 3.3 μg/kg; total: 7.4 μg/kg	3
	tigernuts	Burkina Faso	B1: 186 μg/kg; total: 326 μg/kg	8
Ochratoxin A	organic figs, organic sultanas	Turkey, Belgium	up 180 μg/kg	7
	raisins	China, India, Czech Rep., Turkey, Uzbekistan, United Arab Emirates	up 34 μg/kg	21
	grapes	Turkey	18 μg/kg	1
	pistachios	USA	53 μg/kg	1
	popcorn maize, organic maize noodles	France, Romania		2
	organic rice	Italy		2
	instant rye flakes, barley malt flour	Poland, UK	up 16 μg/kg	9
	spice mixture, paprika, paprika powder	France, Spain, unknown	up 31.1 μg/kg	12
	nutmeg	Poland		3
	liquorice roots	Azerbaijan	107.4 μg/kg	5
	tea	India	478.1 mg/kg	4
Patulin	organic apple-based beverage	Latvia (raw mat. Italy)	50.9 μg/kg	5
Heavy Metals / Other	Metals			
Lead	venison salami	Italy (raw mat. Austria)		1
	organic ginger	China	0.24 mg/kg	1
	glass noodles	Thailand	0.49 mg/kg	6
	turmeric powder	India		4
	salad	Belgium	1.5 mg/kg	2
	game goulash	Spain		1
Cadmium	organic cocoa nibs	Netherlands		2
	spinach	Belgium		3
	octopus, cuttlefish	Vietnam, Ecuador, India	1.57 mg/kg	6
	horsemeat	Belgium (breeding Netherlands)		1
Mercury	fish / fish products		up 2.7 mg/kg	80
Aluminium	green tea	Germany (raw mat. Japan)		1
	noodles	Pakistan	35 mg/kg	1
Boron	mineral water	Portugal, Turkey		2
Chrome	turmeric powder	India		3

Reason for Notifying	Product	Country of Origin	Notes	Number
Other Contaminants	/ Residues			
Benzo(a)pyrene, PAH	organic hempseed oil, hempseed oil	Czech Rep., Germany	Benzo(a)pyrene: up 22.4 µg/kg; PAH: up 113 µg/kg	20
	palm oil, sunflower oil	Togo, Ghana, Russian Federation	PAH: 33 μg/kg	9
	propolis powder, food supplement, ginger	China		6
	bay leaves	Turkey, unknown	Benzo(a)pyrene: up 232 µg/kg; PAH: up 810 µg/kg	23
	spirulina	Finland	Benzo(a)pyrene: 44.1µg/kg; PAH: 220.4 µg/kg	5
	sprats	Latvia	Benzo(a)pyrene: 7.5 µg/kg; PAH: 77.9 µg/kg	2
Dioxine	horsemeat	Ireland	27.18 ng/kg	3
	cod liver	Poland	26.7 pg WHO TEQ/g	20
	herbs	Germany	1.49 ng/kg	2
	lamb liver	UK	1.65 pg WHO TEQ/g	1
	tuna	Croatia	11,820 pg WHO TEQ/g	2
Dioxin-like polychlorinated biphenyls (DL-PCBs)	chicken breast	Spain		2
Non-dioxin-like polychlorinated biphenyls (NDL- PCBs)	chicken breast	Spain		2
Chlorate	mango cubes	Vietnam	2.99 mg/kg	1
	food supplement	Spain (produced in Germany)		2
Morphine	bread	France		4
	poppy seed	Czech Rep., Turkey	172 mg/kg	3
Shelfish poisoning	pilgrim`s shells	Belgium	(ASP)	1
toxins (ASP, PSP, DSP)	blue mussels	Italy	(PSP)	5
	wedge shell clams, comb shell, mussels	France	up 407.1 μg/kg (DSP)	19
Ergot (Claviceps purpurea)	rye flour	Belgium, Austria	up 918.3 μg/kg	3
Histamine	fish / fish products		up 1,700 mg/kg	17
Methanol	vodka	Italy		2
Rum ether	sweets	Spain (raw mat. USA)		3
Hydrocyanic acid	apricot kernels	Hong Kong, Pakistan	up 2,950 mg/kg	3
	organic linseeds	India	230 mg/kg	6
Coumarin	cereal product	UK	40.5 mg/kg	1
Jodine	algae	China	3,230 mg/kg	2
	organic algae salad	Spain	82 mg/kg	4

Reason for Notifying	Product	Country of Origin	Notes	Number
Pharmacological Acti	ve Substances			
2,4-Dinitrophenol (DNP)	food supplement	unknown		1
1,3-Dimethyl- amylamine (DMAA), 1,5-Dimethyl- hexylamine (DMHA)	food supplement	USA, UK, unknown		3
Amoxicillin	pig carcasses	Belgium	up >125 mg/kg	3
Anthraquinone	tea	Syria	up 0.18 mg/kg	1
Azoperon	beef	Argentina	up 7.1 μg/kg	1
Cannabidiol (CBD)	food supplement	Austria, Switzerland, Slovenia, USA, UK, Spain, unknown	24,400 mg/kg	36
	hempseed oil, hempseed oil product	Spain, Germany, Czech. Rep., China, unknown	up 6.23 %	13
	beverage	Czech Republic		8
	spice mixture	Germany		1
	chewing gum, chocolate, tea	USA, Spain		5
Tetrahydrocannabinol (THC)	hempseed oil, hempseed oil product	Czech Rep., Germany, Netherlands, Spain	up 1,720 mg/kg	7
	food supplement	Netherlands, Austria, Poland, Spain, Switzerland	up 2,980 mg/kg	48
	chewing gum, chocolate, tea, green tea	USA, Spain, Czech Rep., UK		8
	spice mixture	Germany		1
Cocaine	energy drink	Austria	0.05%	7
Metronidazol	pig carcasses	France	12 μg/kg	2
Nitrofuran/metabolites	prawns	India	225 μg/kg (AOZ)	2
Penicillin, Dihydrostreptomycin	pork	Belgium (raw mat. France)	Penicillin: > 125 μg/kg; Dihydrostreptomycin: > 1,250 μg/kg	4
Phenylbutazon	horsemeat	Canada		2
Sibutramine	herbal tea	Turkey	6,920 mg/kg	3
Sildenafil	food supplement	China, Hong Kong, Portugal, Turkey, Spain		21
Tadalafil	food supplement	China, Malaysia, Germany		24
Tetracyclines	poultry meat	Poland	(Doxycyclin)	2
Vardenafil	food supplement	China		4
Yohimbine	food supplement	Spain USA, UK		8
Unauthorized Colours	3			1
Rhodamine B	beets	Lebanon, Jordan		2
Sudan I and Toluidine red	spice mixture	Georgia	Sudan I: 9.21 mg/kg, Toluidine red: 6.17mg/kg	2
Sudan IV	palm oil	Ghana, unknown	up 154 µg/kg	32

Reason for Notifying	Product	Country of Origin	Notes	Number
Miscellaneous			,	
Parasite infestation with anisakis	pike, mackerels, mackerel fillets	Spain, Denmark, France, Norway, Ireland		22
Pyrrolizidine alkaloids (PA)	food supplement	France (partly raw mat. Spain)		5
	St. John's wort	USA, Spain		4
	flower pollen	Spain	786 μg/kg	2
	borage	Poland	306,000 μg/kg	13
	cumin	Malta, Turkey	17.9 mg/kg	4
	oregano	France, Austria, Turkey, unknown	up 18,496 µg/kg	32
	tea	Germany		3
	thyme	Turkey	9,600 µg/kg	4
GMO not authorized	organic rice noodles, rice noodles	China		2
	papaya	Thailand		1
	linseeds	Ukraine		1
Irradiation	noodle soup	Philippines		1
	paprika powder	unknown, Spain		5
Food dependent disease outbreak	salmon products, trout fillets	Germany, Sweden (packed in Norway)		4
	tuna	Ecuador, Spain		6
	rice milk	Spain		3
	raw milk cheese, raw sheep`s milk cheese	France		20
	eggs	Poland		1
	minced beef	Denmark (raw mat. Netherlands)		4
	pork, pork meat preparation	Italy (partly raw mat. France, Germany.), Romania		11
	strawberries	Poland		1
	food supplement	Italy, Spain unknown		77
	sesame paste	Israel		3
	spinach, dry fruits, coconut mixture	Italy		3
	various foods, sandwiches	UK		13
Pathogenic Germs	,	,		
Salmonella total: 453	meat / meat products (including poultry)			232
	swordfish, prawns, blue mussels, mussels, striped venus	Sri Lanka, Denmark, Italy, Spain (partly packed in Portugal)		12
	raw milk cheese, milk powder	France, Poland		2
	eggs, egg products, egg powder, egg white powder, liquid egg white	France, Netherlands, Urkraine, Czech Rep.		16

Reason for Notifying	Product	Country of Origin	Notes	Number
	cumin seed, turmeric, pepper, black pepper, mustard seed	Syria, India, Brazil, China, Poland		26
	chili, chili powder, paprika powder	Vietnam, China, India		23
	sunflower seeds	Bulgaria		22
	organic sesame seeds, sesame, sesame seeds, sesame paste	Uganda, Nigeria, Lebanon, Ethiopia, India, Sudan		96
	almonds, tigernuts	Spain (partly raw mat. Niger), USA (partly packt in Italy)		15
	ready meals	UK		1
	herbal mixture for meat preparation, beetroot shoots	Netherlands, Sweden		2
	betel leaves, organic chlorella powder	Malaysia, India		6
Listeria monocytogenes	meat / meat products	Spain, Estonia, France, Netherlands, Latvia, Poland, Germany, Ireland		36
	fish / fish products	Slovakia, Norway, Belarus, Belgium, Germany, UK, Italy, Estonia		24
	giant squid, prawns, mussels	Spain, France, Netherlands		11
	vegetables, guacamole, terrine	UK, Belgium, France		4
	cheese, raw milk cheese, sheep`s cheese, soft cheese, raw goat milk cheese	Belgium, Italy, France, Slovakia		21
Shigatoxin producing E.coli	meat / meat products	Ireland, Uruguay, Argentina, Belgium, Brazil, Netherlands, Poland		45
	raw milk cheese, raw goat milk cheese, soft cheese	France, Belgium		22
	organic spinach	Italy		2
Emetic toxin	organic basil	Austria		30
producing <i>Bacillus</i> cereus	coconut	Indonesia		1
Pathogenic Vibrio (Vibrio parahaemolyticus, vulnificus)	chinese crab, tiger prawns, prawns, shrimps	China, Vietnam, Ecuador, India, Honduras		15
Yersinia (<i>Yersiniea</i> enterocolitica)	carrots, spinach	Sweden (packed Denmark), Italy		6
Cronaobacter sakazakii	organic baby food	Spain		4
Campylobacter jejuni	chicken	Belgium		3

Reason for Notifying	Product	Country of Origin	Notes	Number
Hepatitis A Virus	berries	Italy (raw mat. Ukraine, Lithuania, Romania)		5
	blue mussels, mussels	Greece, Italy		8
Norovirus	oysters, pacific crupped oysters	France		4
	striped venus	Italy		3
	currants, raspberries	Poland, Morocco		5

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