

No. 6 – December 2019

News from the BfR

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

■ *Bacillus cereus* bacteria: for each strain of bacteria of the *Bacillus cereus* group, it can be assumed that toxins can be formed which, in turn, may cause gastro-intestinal diseases. Conventional heating treatments, such as cooking or pasteurisation, will kill the bacterial cells but they enable the survival and germination of individual spores (forms of persistence of the bacteria). Sufficient and fast cooling (7°C and lower) or heat maintenance (at min. 65°C) after heating is necessary in order to prevent this (Statement No. 035/2019 dated 16 September 2019, <https://www.bfr.bund.de/cm/349/bacillus-cereus-bacteria-in-foodstuffs-may-cause-gastrointestinal-diseases.pdf>).

■ Recall of milk – FAQ regarding *Aeromonas hydrophila*: due to a contamination with the *Aeromonas hydrophila* bacterium, a producer recalled low-fat fresh milk. In Communication No. 40/2019 from 11 October 2019, the BfR replied to several frequently asked questions regarding the pathogen. (<https://www.bfr.bund.de/cm/349/milk-recall-questions-and-answers-about-the-waterborne-bacteria-aeromonas-hydrophila.pdf>).

■ BfR MEAL study – What's in the food? In Press Report 38/2019 dated 17 October 2019, the BfR provides information on the biannual newsletter regarding the BfR MEAL study ("BfR MEAL News"). In this newsletter, current issues, advancements and results of this total diet study are bundled. (https://www.bfr.bund.de/en/press_information/2019/38/whats_in_your_food_the_bfr_meal_study_news_letter_provides_up_to_date_and_concise_information-242462.html).

■ Example listeria – Hunting the culprit with a genetic profile: in Press Release 40/2019 dated 23 October 2019, it is described how genetic information can help track the source of foodborne diseases using the example of disease outbreaks through listeria (https://www.bfr.bund.de/en/press_information/2019/40/listeria_hunting_the_culprit_using_genetic_profiling-242878.html).

You can find further information at www.bfr.bund.de.

Sentences

■ ECJ – Country of origin of "cultivated mushrooms": the European Court of Justice (ECJ) decided on 4 September 2019 that the country of origin of cultivated mushrooms is the harvesting country, irrespective of whether or not essential production steps take place in other Member States (C-686/17, in German: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=217463&pageIndex=0&doclang=DE&mode=req&dir=&occ=first&part=1>).

■ "Hangover" products, advertising message inadmissible: according to the sentence of the Higher Regional Court of Frankfurt on the Main dated 12 September 2019, a "hangover" is a disease. Advertising messages according to which a food supplement is suitable for the treatment of the symptoms of an alcoholic hangover or for the prevention of such, therefore, represent a violation of the prohibition to assign illness-related properties to foods. The sentence is not yet in force (Ref. No. 6 U 114/18; in German: <https://ordentliche-gerichtsbarkeit.hessen.de/pressemitteilungen/kater>).

■ Advertisement "high content" at an intake level of below 100 g: the Higher Regional Court of Celle decided on 6 June 2019 that advertising with a "high content" of certain nutrients for foods that are better consumed in amounts of less than 100 g when allowing reason to prevail, is only admissible when this lower intake level supplies an amount of the nutrient that is significant according to Community Law (Ref. No. 13 U 2/19). Therefore, 100 g should not be taken as the global basis but rather the amount of consumption to be expected.

■ 1.5% of arugula in arugula pesto: in its decision from 22 August 2019, the Higher Regional Court of Frankfurt on the Main stated that the designation "I Pesti con Basilico e Rucola" is not misleading even if the share of arugula with 1.5% is clearly below the shares of the other herbs used, provided that the pesto tastes of arugula, amongst other things. The sentence is not yet in force (Ref. No. 6 U 133/18; in German: <https://ordentliche-gerichtsbarkeit.hessen.de/pressemitteilungen/rucola-pesto>).

■ Basic price regarding food supplements in the form of capsules is unnecessary: according to a sentence of the Higher Regional Court of Celle from 9 July 2019, food supplements are usually marketed by number of units. Therefore, the indication of a basic price is not required (Ref. No. 13 U 31/19).

■ Federal Supreme Court – Sunday sales of bakery products: the Federal Supreme Court decided on 17 October 2019 that Sunday sales of bakery products in bakeries with a cafe are also permissible outside of store opening hours (Ref. No. I ZR 44/19; in German:

<https://www.bundesgerichtshof.de/SharedDocs/Pressemittelungen/DE/2019/2019135.html>).

Statements of the ALTS

The working group of experts (ALTS) that deals with the field of food hygiene and food of animal origin made decisions, amongst others, regarding the following subjects at its 83rd working conference:

■ "Bacon": the term "bacon" is not the name of a food. However, the indication "bacon" may be used as a part of a descriptive designation for a cured product from the pork belly.

■ Country ham – "lactose-free": as a small share of lactose is used for the production of raw cured goods, a claim such as "lactose-free" (where applicable) is permissible.

■ "Thorough cooking prior to consumption" for ready-to-eat meat products: as regards meat products that are considered as ready-to-eat due to their designation and appearance, additional information such as "consume only when cooked thoroughly" or "thorough cooking prior to consumption" is to be assessed as mistakable.

■ "Balance" for cream cheese and cream cheese preparations: the claim "balance" is a nutrition claim that may only be used when the food complies with the requirements of Regulation (EC) No. 1924/2006. "This includes that it is explained for the respective product to which concrete nutritional property the indication "balance" refers."

■ Fat content regarding "sorbet": ice cream of the "sorbet" type is produced according to the specifications of the guidelines for ice cream without the addition of fat. Low amounts of fats can get into the "sorbet" via the fruit, carrier substances from flavours or via additives and are not considered as an impermissible fat addition. For fat contents equal or superior to 1.0%, the formulation should be verified and for fat values equal or superior to 2.0%, a fat addition must be assumed that is not compliant with the guidelines.

■ Labelling of fishery products with water addition: fishery products with a considerable addition of water - and related modified sensory properties - that are classified as processed products must be provided with a descriptive designation. A sufficiently descriptive designation, for example, would be "Product made from catfish fillet with added water" or "Catfish fillet product with added water". It is important that the term "product" is used in the first part of the descriptive designation.

■ *Listeria monocytogenes* in frozen vegetables: as regards frozen vegetables, it must be decided in the individual case whether or not the food can also be consumed without heating and that, therefore, the food safety criterion *Listeria monocytogenes*

(Regulation (EC) No. 2073/2005, Category 1.3) can be applied. If, for example, spinach, green cabbage, maize or mixed vegetables are concerned which – under normal conditions – are also used without being heated, e.g. in smoothies or salads, the food is to be considered as ready-to-eat and is subject to the requirements of Category 1.3 of the aforementioned regulation.

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: Journal of Consumer Protection and Food Safety, December 2019, Volume 14, Issue 4, pp 459–463

(<https://link.springer.com/article/10.1007/s00003-019-01251-3>).

Modifications Regarding Pesticides

■ Maximum residue levels (MRL): With Regulations (EU) 2019/1559, 2019/1561, 2019/1582, 2019/1791 and 2019/1792, the MRL of the following pesticide active agents were modified:

ABE-IT 56, S-abscisic acid, amitrole, chlormequat, cyflufenamid, cyprodinil, 1-decanol, 2,4-D, dimethenamid, fenbuconazole, fatty alcohols, fipronil, florpyrauxifen-benzyl, fludioxonil, fluopyram, flupyrsulfuron methyl, fluquinconazole, imazalil, imazosulfuron, isoproturon, mepiquat, orthosulfamuron, pendimethalin, picolinafen, pyraflufen-ethyl, pyridaben, tembotrione, triasulfuron and trifloxystrobin.

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

Miscellaneous

■ EFSA reference values regarding sodium and chloride: on 4 September 2019, the European Food Safety Authority (EFSA) published reference values for the intake of sodium and chloride. For the normal adult population, 2.0 g/day for sodium and 3.1 g/day for chloride were assessed to be safe and adequate (EFSA Journal 2019; 17(9): 5778 and 5579;

<https://www.efsa.europa.eu/en/efsajournal/pub/5778>, <https://www.efsa.europa.eu/en/efsajournal/pub/5779>).

■ Olive oil: with Implementing Regulation (EU) 2019/1604 dated 27 September 2019, the defined attributes of olive oils and olive pomace oils as well as the procedures for their determination were modified (Official Journal L 250 dated 30 September 2019, page 14).

■ Novel food – basic whey protein isolate from cow's milk: with Implementing Regulation (EU) 2019/1686 of the Commission dated 8 October 2019, the purposes for basic whey protein isolate from cow's milk were extended (Official Journal L 258 from 9 October 2019, page 13).

■ Veterinary drugs: the Federal Office of Consumer Protection and Food Safety (BVL) published the declaration regarding the approval of veterinary drugs dated 24 September 2019 (in German: https://www.bvl.bund.de/SharedDocs/Downloads/05_Tierarzneimittel/Bekanntmachungen/2019_10_17_Bekanntmachung_BAnz.html?nn=1644492).

■ Communications of the investigation offices of Baden Württemberg:

- On 22 October 2019, the Chemische und Veterinäruntersuchungsamt (CVUA) Freiburg published the report "Befunde und Beurteilung perfluorierter Alkylsubstanzen (PFAS) in Leber und Fleisch von Wildschweinen" ("Findings and assessment of perfluoroalkylated substances (PFAS) in the liver and meat of boar") (in German: https://www.ua-bw.de/pub/beitrag.asp?subid=3&Thema_ID=5&ID=3061&lang=DE&Pdf=No).

- On 28 October 2019, the CVUA Stuttgart reported on the everyday laboratory practice regarding the mineral oil analysis in foods and articles of daily use (in German: https://www.ua-bw.de/pub/beitrag.asp?subid=1&Thema_ID=3&ID=3064&lang=DE&Pdf=No).

For further reports, please refer to <https://www.ua-bw.de/pub/default.asp>.

Last update: 30 October 2019

Date of publication: 9 December 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 17 September 2019 and 14 November 2019**.

Source:

https://www.bvl.bund.de/SiteGlobals/Forms/Suche/Servicesuche_Formular.html?templateQueryString=Schnellwarnungen&sortOrder=dateOfIssue_dt+desc (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: 111	nuts, nut products, figs, pistachios, peanuts, almonds, melon kernels, para nuts			76
	basmati rice, rice	Netherlands, Myanmar	B1: 19 µg/kg	4
	organic chili, chili, chili powder, cayenne powder	UK, India, Sri Lanka	B1: up 11.67 µg/kg; total: up 12.47 µg/kg	6
	curry powder, cumin, nutmeg	Sri Lanka, Portugal, Lebanon	B1: 14 µg/kg	7
	chia seeds	Paraguay	B1: up 32.6 µg/kg	2
	maize, maize flour	Serbia, Ghana	B1: up 11.4 µg/kg; total: up 13.2 µg/kg	15
	sweets	Ukraine		1
Ochratoxin A	chili powder	Sri Lanka	63.1 µg/kg	1
	organic figs, figs, organic raisins, raisins	Turkey, Bosnia and Herzegovina, China, India, Uzbekistan, Lithuania	up 139 µg/kg	20
	organic rice	Italy (raw mat. Greece and India)		2
	snack	UK	1.5 µg/kg	1
Deoxynivalenol (DON)	toast	Serbia	932 µg/kg	1
Heavy Metals / Other Metals				
Lead	venison	Spain		6
	passion fruit puree	France	0.082 mg/kg	83

Reason for Notifying	Product	Country of Origin	Notes	Number
	food supplement	Spain, Ukraine	12 mg/kg	4
Cadmium	american lobster	USA	0.77 mg/kg	11
	prawns	Bangladesh	between 0.6 and 74 mg/kg	3
	mussels	Chile	1.3 mg/kg	4
	food supplement	unknown (via Lithuania)	1.5 mg/kg	5
	anchovies, sardines	Ecuador, Italy		3
	cuttlefish	China, India, Netherlands, Vietnam	up 1.8 mg/kg	13
	swordfish	Vietnam	0.4 mg/kg	1
Mercury	infant formula	Czech Rep.	0.029 mg/kg	3
	fish / fish products		up 5.4 mg/kg	44
Arsenic	organic brown rice, brown rice	Greece, Italy	0.34 mg/kg	6
	organic quinoa rice wafers, rice wafers	Denmark		1
	fish, pacific plaice	Suriname, China	up 4.5 mg/kg	3
	prawns	Nigeria	12 mg/kg	2
	infant formula	Czech Rep.	0.126 mg/kg	3
Nickel	chocolate Advent calendar	Ukraine	1.06 mg/kg	1
Other Contaminants / Residues				
Benzo(a)pyrene, PAH	banana chips	Czech Rep.	Benzo(a)pyrene: 3.8 µg/kg	5
	palm oil	Ghana		2
	pumpkin seed oil	Ukraine	Benzo(a)pyrene: 6.9 µg/kg	1
	black cumin oil	Egypt	PAH: 25.28 µg/kg	1
	cocoa powder, parsley, garlic	Poland, China		7
	bay leaves	India	PAH: 96.8 µg/kg	6
	ribs	Poland	Benzo(a)pyrene: 2.5 µg/kg; PAH: 20.9 µg/kg	2
Radioactivity	hedgehog mushroom	Turkey	744 Bq/kg	3
Dioxins	cod liver	Poland		3
Mineral oil components	infant formula, follow-on formula	(empty)		15
Benzalkonium chloride	pangasius fillet	Vietnam	157 mg/kg	1
Boron	mineral water	Turkey		2
Chlorate	pangasius fillet	Vietnam	up 44.3 mg/kg	17
Acrylamide	pastry	Bosnia and Herzegovina	1,282 µg/kg	1
Glycidyl esters	ghee (clarified butter)	Turkey	2,983 µg/kg	2
	vegetable fat	United Arab Emirates	2,386 µg/kg	3
Tropane alkaloids (Atropin, Scopolamin)	organic buckwheat flour	France		3

Reason for Notifying	Product	Country of Origin	Notes	Number
Morphine	poppy seed	Slovakia, Czech Rep.	114 mg/kg	12
Shellfish poisoning toxins (PSP, DSP)	blue mussels	Italy	(PSP)	1
	mussels	Italy	(DSP)	12
Histamine	fish, fish products		up 7,122 mg/kg	12
Hydrocyanic acid	almond kernels	Uzbekistan	> 500 mg/kg	2
	organic apricot kernels, apricot kernels	Germany (raw mat. Pakistan), China, Greece, Austria, unknown, Turkey	270 mg/kg	19
Ethyl carbamate	cherry spirit	France	3,849 mg/l	1
Iodine	algae	China, Japan	1,800 mg/kg	9
Alkaline solution	beer	Germany		3
Pharmacological Active Substances				
3,3'-Diindolylmethane (DIM)	food supplement	USA		1
2,4-Dinitrophenol (DNP)	food supplement	Australia, China, Malaysia, Korea, Turkey, USA, unknown		19
Agmatine sulfate	food supplement	UK, unknown		3
Anthraquinone	tea	Syria, China		13
Chloramphenicol	shrimps	India	0.15 µg/kg	1
Ciprofloxacin, Enrofloxacin	poultry	Poland	Ciprofloxacin: 5.2 µg/kg; Enrofloxacin: 136 µg/kg	5
Cannabidiol (CBD)	food supplement	Germany, Switzerland, Austria, Netherlands, Spain, unknown		21
	hempseed oil	Germany, Switzerland, Spain		8
	hemp powder	Germany		6
	CBD containing products	Netherlands		1
	chewing gum, chocolate, tea	Netherlands, Spain		3
Tetrahydrocannabinol (THC)	CBD oil	Poland		1
	hemp powder	Germany	1,013 mg/kg	6
	chewing gum, chocolate, tea	Netherlands, Spain		3
	food supplement	Austria, Germany, Netherlands, Switzerland, Poland	678.5 mg/kg	19
Ephedrine	food supplement	USA		2
Higenamine	food supplement	UK		1
Ivermectin	beef	Brazil	250 µg/kg	1
Cocaine	energy drink	Austria		8
Lasalocid	poultry	France		2
Levamisole	pig carcasses	Belgium		1
Metronidazole	pig carcasses	France		1

Reason for Notifying	Product	Country of Origin	Notes	Number
Monacolin K	food supplement	Denmark, Germany, Finland, Austria, Portugal, Spain, USA, UK, Sweden	up 30 mg/day	54
Nitrofurantoin - metabolites	shrimps	India		3
Nortadalafile	food supplement	Romania		4
Ofloxacin	pangasius steaks	Vietnam	up 1.42 µg/kg	2
Oxyphenbutazone, Phenylbutazone	horsemeat	UK		2
Salinomycin	quail eggs	Latvia		2
Sulfadiazine	tilapia	China	up 576 µg/kg	3
Sildenafil	food supplement	China, Turkey, UK, Slovenia		18
Synephrine	food supplement	USA		1
Tadalafil	food supplement	China		1
Tetracyclines	shrimps	Vietnam	(Doxycyclin)	1
	crustaceans	Bangladesh	(Oxytetracyclin)	1
Yohimbine, Yohimbe extract	food supplement	USA, UK, unknown		10
Unauthorized Colours				
Orange II	curcuma	India	566 µg/kg	2
Sudan I, Toluidine red	spice mixture	Georgia		1
Sudan IV	palm oil	Ghana, Senegal	> 3,000 µg/kg	2
Miscellaneous				
Parasite infestation with anisakis	codfish, Kingklip, argentine hake, mackerel, mackerel fillets, John Dory, redfish, monkfish	Denmark, Uruguay, France, Canada, Morocco		12
Pyrrolizidine alkaloids (PA)	herbal tea	Germany, Czech Rep.	1,167.8 µg/kg	7
	cumin	Malta		1
	food supplement	Czech Rep.	2,540 µg/kg	2
	oregano, peppermint	Turkey		9
	tea	Germany		2
GMO not authorized	chips	Ukraine	(cereals)	1
	foodstuff enzyme	Denmark	(genetic modified <i>Bacillus velezensis</i>)	2
	rice, rice noodles	China		5
Irradiation	chili powder, food supplement	China, Israel		5
Food dependent disease outbreak	algae salad	China		4
	wedge shell clams	Turkey		9
	eggs	Poland, Spain		9
	strawberries	Poland		2
	meat products	Netherlands		23

Reason for Notifying	Product	Country of Origin	Notes	Number
	Japanese oysters	France		2
	milk products	France		1
	food supplement	Spain and Germany		1
	minced horsemeat	Romania		13
	raw milk cheese, raw milk sheep cheese	France		2
	sesame paste	Israel		1
	sausage products	Germany		117
	other food products / mixtures	UK		3
Pathogenic Germs				
<i>Aeromonas hydrophila</i> , <i>Aeromonas cavia</i>	fresh milk	Germany		6
<i>Clostridium botulinum</i> /Toxin	milk	Belgium	(<i>Cl.botulinum</i>)	2
	fish, roach	produced in Netherlands	(toxin)	2
Salmonella total: 320	meat / meat products (including poultry)			195
	oysters, mussels	Netherlands		3
	swordfish	Sri Lanka		1
	eggs, egg powder	Spain, Czech Rep.		10
	chili, chili powder, spice mixture, ginger powder, oregano, pepper, black pepper	India, China, Poland, Italy (raw mat. Nigeria), Turkey, Brazil, Vietnam		31
	various hummus products	UK		5
	sesame, sesame seeds, sesame paste	Nigeria, Syria, Mexico, Egypt, Ethiopia, Sudan, Turkey		51
	organic almond proteins, almonds, pistachios, walnuts	Spain, Germany, USA, Iran, Hungary		20
	broccoli, salad	Netherlands		4
<i>Listeria monocytogenes</i>	meat / meat products (including poultry)	France, Spain, Estonia, Hungary, Germany, Austria, Romania, Lithuania, Belgium		30
	fish, fish products	Poland, Norway, Greece, UK, Romania		17
	shrimps, shrimp salad, crustaceans, mussels	France, Netherlands, Sweden, Spain		15
	pancake	France	(suspicion)	1
	cheese, cheese product, raw milk cheese, sheep cheese	France, Italy, Poland		33
	vegetables, kidney beans, maize, olives	Poland, China, Hungary, Spain		9

Reason for Notifying	Product	Country of Origin	Notes	Number
Enteropathogenic E.coli (EPEC)	lamb carcasses	Belgium		3
Shigatoxin producing E.coli	meat / meat products	Argentina, Brazil, Uruguay, Belgium		11
	raw milk cheese	France		18
<i>Bacillus cereus</i>	ginger powder	Spain (raw mat. Nigeria)		1
	milk	Germany		2
	cinnamon, curry	West Bank and Gaza Strip		2
Emetic toxin producing <i>Bacillus cereus</i>	organic basil	Austria		1
<i>Campylobacter jejuni</i>	turkey meat	Poland		1
Pathogenic Vibrio (<i>Vibrio parahaemolyticus</i>)	tiger shrimps	Bangladesh		4
Norovirus	algae salad	China		1
	cockles	Portugal		2
	raspberries	China		7

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