

No. 1 – February 2020

Statements of the ALS

The Work Group of Food Chemistry Experts of the States and of the Federal Office of Consumer Protection and Food Safety (Arbeitskreis Lebensmittelchemischer Sachverständiger der Länder und des Bundesamtes für Verbraucherschutz und Lebensmittelsicherheit (ALS)) made a total of 63 decisions at its 113th conference. These primarily concern the revisions of previous statements. This is also confirmed by the note regarding the up-to-dateness that precedes the statements: "Currently, the Work Group is reviewing all the published statements with regard to their up-to-dateness. A major part has already been appraised and revised, but the process has not yet been completed for all the statements. ..."

As regards further issues, the following statements were, amongst others, prepared at the conference:

- Use of fibre granules: the designation "whole-meal bread", for a product for the fabrication of which a non-whole grain product is only standardised using fibre granules during the dough preparation, is considered to be misleading.

- Nutrition declaration for seasoning salts: for seasoning salts as a mixture of salt and spices or herbs, a nutrition declaration is required.

- Glucose-fructose syrup or fructose-glucose syrup: as regards the allergen labelling (wheat/barley/gluten), glucose-fructose syrups or fructose-glucose syrups made of wheat or barley starch are to be classified with "glucose syrups" as a generic term. Therefore, corresponding allergen labelling is not required.

At (in German) https://www.bvl.bund.de/DE/01_Lebensmittel/01_Aufgaben/02_AmtlicheLebensmittelueberwachung/12_ALS/lm_ALS_basepage.html) you will find further details, a current overview of the statements, the statements of the respective current session as well as the archive.

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

Tableware and Kitchen Utensils Made of Melamine Formaldehyde Resin (e.g. of "bamboo goods")

- BfR: when using, for example, "coffee to go" cups or tableware made of bamboo goods for hot foodstuffs, harmful substances could be introduced

into the foodstuffs. The German Federal Institute for Risk Assessment (Bundesinstitut für Risikobewertung (BfR)) published the following in this respect (only in German):

- Statement No. 046/2019 dated 25 November 2019:

<https://www.bfr.bund.de/cm/343/gefaesse-aus-melamin-formaldehyd-harz.pdf>

- FAQ from 25 November 2019:

https://www.bfr.bund.de/de/fragen_und_antworten_zu_geschirr_und_kuechenutensilien_aus_melamin_formaldehyd_harz-70413.html

- Press release 47/2019 dated 25 November 2019:

https://www.bfr.bund.de/de/presseinformation/2019/47/geschirr_aus_bambusware_nicht_fuer_heisse_getraenke_oder_speisen_nutzen-243171.html

- BVL: in its press conference dated 26 November 2019, the Federal Office of Consumer Protection and Food Safety (BVL) presented focal points of the monitoring of foods and articles of daily use. As regards products made of raw materials, such as bamboo fibres or maize meal (e.g. "coffee to go" cups), it was explained that these mostly contain plastic materials such as melamine formaldehyde resins. At higher temperatures, health-critical amounts of melamine and formaldehyde may then migrate into the foodstuffs. Investigations of the Federal States focusing on this showed that the specific migration value for melamine was exceeded in 25% of the samples, and the value for formaldehyde in 11% of the samples (in German:

https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01_lebensmittel/2019/2019_11_26_PI_Jahrespressekonferenz_2019.html).

Further News from the BfR

Amongst others, the BfR also published the following:

- PFAS – Questions and answers: on 5 November 2019, a catalogue of questions and answers regarding the subject of perfluorinated and polyfluorinated alkylated substances (PFAS) was published (in German: https://www.bfr.bund.de/de/fragen_und_antworten_zu_perfluorierten_und_polyfluorierten_alkylsubstanzen_pfes-242936.html).

- Aluminium: for the first time, the BfR assessed the total aluminium intake from the most diverse sources for the different age ranges and for normal

and high consumers. When, besides the foodstuffs, the other relevant sources of aluminium intake are taken into account (such as aluminium-containing cosmetic products and uncoated food contact materials), the total intake quantity in all age ranges can exhaust or exceed the TWI (tolerable weekly intake) of 1 mg per 1 kg body weight (Statement No. 045/2019 dated 18 November 2019 (https://www.bfr.bund.de/en/press_information/2019/45/reducing_aluminium_intake_can_minimise_potential_health_risk_s-243396.html)).

Likewise, the questions and answers regarding aluminium in foodstuffs and consumer-oriented products were updated on 18 November 2019 (https://www.bfr.bund.de/en/faqs_about_aluminium_in_food_and_products_intended_for_consumers-191148.html).

■ BfR2GO: issue 2/2019 of the science magazine of the BfR ("BfR2GO") was published and deals, amongst others, with microplastics issues. The magazine is available free of charge at https://www.bfr.bund.de/en/science_magazine_bfr2go.html.

Other Publications of the BVL

The BVL also released the following information:

■ The EU control regulation has been, for the most part, in force since 14 December 2019: in the press release from 26 November 2019, the BVL compiled information on the new regulations for the official food control and of their implementation in Germany (in German: https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01_lebensmittel/2019/2019_11_26_HI_neue_EU-Kontroll-Verordnung.html).

■ Foodborne disease outbreaks: on 13 November 2019, a "Joint national report of the BVL and the RKI regarding foodborne disease outbreaks in Germany 2018" was released (in German: https://www.bvl.bund.de/SharedDocs/Fachmeldungen/01_lebensmittel/2019/2019_11_13_Lebensmittelbedingte-Krankheitsausbrueche-2018.html).

■ Pesticides: 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 (in German: https://www.bvl.bund.de/DE/04_Pflanzenschutzmittel/01_Aufgaben/02_ZulassungPSM/01_ZugelPSM/psm_ZugelPSM_node.html).

■ Veterinary drugs: the BVL published the announcement regarding the approval of veterinary drugs and other official acts from 26 November 2019 (in German: https://www.bvl.bund.de/sharedDocs/Fachmeldungen/05_tierarzneimittel/2019/2019_12_27_Fa_Bekanntmachung_Zulassung_TA.html).

Sentences

■ ECJ – "German balsamico" (balsamic vinegar) is permissible: vinegar from Germany may be called "balsamico". In the lawsuit between a German vine

gar manufacturer that names its products "German Balsamico" or "Balsamico" and the Italian protection association (Consorzio Tutela Aceto Balsamico di Modena – CTAB), the Federal High Court of Justice (BGH) in Karlsruhe presented the question to the European Court of Justice on 12 April 2018 as to whether or not the protection of the designation "Aceto Balsamico di Modena" extends to the use of the individual non-geographic terms of the composed designation "Aceto", "Balsamico" and "Aceto Balsamico" or whether or not the designation "German Balsamico" is permissible (BGH, Ref. No.: I ZR 253/16). With its sentence dated 4 December 2019, the ECJ (C-432/18) decided that the protection of the designation "Aceto Balsamico di Modena" does not extend to the use of its individual non-geographic terms. Only the entire name as such is protected (Press Release No. 150/19: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-12/cp190150en.pdf>).

■ ECJ – Source of origin for foodstuffs from the Israeli-occupied territories: in its sentence dated 12 November 2019, the ECJ decided that the area of origin must be indicated on foodstuffs from territories that are occupied by the State of Israel and, when they originate from an Israeli settlement in this area, this provenance must also be specified. In this context, the ECJ also explained how the terms "country of origin", "state" and "territory" must be interpreted in the sense of the Food Information Regulation (Regulation 1169/2011, LMIV) (Press Release No. 140/19: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-11/cp190140en.pdf>).

■ Federal High Court of Justice – Applicability Article 10(3) HCR: health-related indications that contain reference to general, non-specific benefits of the nutrient or food in the sense of Article 10(3) of the HCR may only be made if accompanied by a specific health claim included in the lists provided for in Article 13 or 14 HCR. On 19 September 2019, the Federal High Court of Justice decided that the applicability of Article 10(3) of Regulation (EC) No. 1924/2006 (Health Claims Regulation, HCR) does not essentially imply that the lists are established according to Articles 13 and 14 of the regulation. Until now, the Federal High Court of Justice has assumed that general, non-specific indications are not regulated, as long as the lists according to Articles 13 and 14 have not been established. The Federal High Court of Justice now abandoned this opinion. (BGH, Az. I ZR 91/18, in German: <http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&nr=101684&pos=0&anz=1>).

■ Placement of the vitamin indications in the nutrition declaration of sweets: on 5 September 2019, the superior Court of Justice (KG) in Berlin declared the indication of vitamins and the remaining nutritional values in two separated tables as inadmissible, in particular the placement of the vitamin table to the left of the nutritional value table. According to Article 34(1,2), the indications on the packaging that

concerns this case must be placed in one table and in the order that is given in Appendix XV (KG Berlin, Ref. No. 5 U 2/19, in German: https://www.vzbv.de/sites/default/files/downloads/2019/12/03/nimm2_urt_eilsbegruendung_kg_22.10.2019_-_zurueckweisungs_beschluss_.pdf).

■ The addition of sulphur dioxide to juices: the Higher Administrative Court Rhineland Palatinate (OVG Rheinland-Pfalz) decided on 15 October 2019 that no sulphur dioxide must be added to the grape must of a soft drink made from grape juice and grape must (Ref. No. 6 A 11429/18, in German: http://landesrecht.rlp.de/jportal/portal/t/14rh/page/bsr_lpprod.psm1?doc.hl=1&doc.id=MWRE190003693&documentnumber=3&numberofresults=602&doctyp=juris-r&showdoccase=1&doc.part=K¶mfromHL=true#focuspoint).

Miscellaneous

■ EU contaminant regulation: with Regulations (EU) 2019/1870 and 2019/1901, Regulation (EC) No. 1881/2006 (EU contaminant regulation) was modified with regard to the maximum levels for erucic acid, the entry for hydrocyanic acid, and the maximum level of citrinin in food supplements (Official Journal L 289 dated 8 November 2019,

page 37 and Official Journal L 293 dated 14 November 2019, page 2).

■ Monitoring acrylamide: on 11 November 2019, Recommendation (EU) 2019/1888 of the Commission from 7 November 2019 regarding the monitoring of the acrylamide content in certain foodstuffs was published (Official Journal L 290, page 31). The previous Recommendations 2010/307/EU and 2013/647/EU were, therefore, cancelled and the appendix contains an amended list of the foodstuffs that need to be analysed for their acrylamide content.

■ Reference values for non-approved veterinary drugs: with Regulation (EU) 2019/1871 of the Commission dated 7 November 2019, requirements for the derivation of reference values for measures for pharmacologically active substances are stipulated, for which no maximum residue levels are available. The regulation already includes reference values for measures for chloramphenicol, malachite green (sum malachite green and leucomalachite green) and for nitrofurans and their metabolites (Official Journal L 289 dated 8 November, page 41).

Last update: 6 January 2020

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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 November 2019 and 16 January 2020**.

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: 160	nuts, nut products, figs, pistachios, peanuts, almonds, para nuts			142
	rice, rice flour	Myanmar, Sri Lanka	B1: up 15.6 µg/kg; total: up 19 µg/kg	3
	organic chili, chili, organic chili powder	India, UK	B1: 17.6 µg/kg; total: 18.9 µg/kg	4
	nutmeg	Lebanon		1
	chia seeds	Paraguay	B1: 7.3 µg/kg; total: 9.2 µg/kg	1
	maize	Serbia		1
	ogbono	UK	B1: 9.3 µg/kg; total: 9.7 µg/kg	6
Ochratoxin A	tiger nuts	Burkina Faso		1
	figs	Germany, Turkey	up 156.9 µg/kg	19
	raisins	Bosnia and Herzegovina, China, India, Turkey, Uzbekistan	up 30 µg/kg	15

Reason for Notifying	Product	Country of Origin	Notes	Number
	grapes	Turkey	17 µg/kg	1
	grape nectar	Estonia	2.5 µg/kg	2
	organic rice, peanuts, snack	Italy (raw mat. Greece, India), India, UK		5
	buckwheat flour, spelt flour	Poland, Germany (partly raw mat. Poland)	5.6 µg/kg	9
Deoxynivalenol (DON)	wheat	USA	1,794 µg/kg	1
	wheat bran	Hungary, Slovakia	up 1,516 µg/kg	5
Patulin	apple dessert	Spain	52 µg/kg	2
Heavy Metals / Other Metals				
Lead	vernison	Spain		17
	passion fruit puree	France		8
Cadmium	fish product	China	1.25 mg/kg	2
	prawns	Bangladesh	0.72 mg/kg	3
	mussels	Chile, UK	1.19 mg/kg	2
	cuttlefish, octopus	India, Vietnam	1.4 mg/kg	8
	chocolate product	Belgium	0.474 mg/kg	2
Mercury	infant formula	Czech Rep.		5
	fish / fish products		0.62 mg/kg	24
Arsenic	infant formula	Czech Rep.		5
	organic brown rice	Greece (processed Italy)		1
	fish	Suriname		2
Nickel	chocolate Advent calendar	Ukraine		1
Other Contaminants / Residues				
Benzo(a)pyrene, PAH	fish, sprats	Ghana, Latvia	Benzo(a)pyrene: up 11.3 µg/kg	3
	palm oil, pumpkin seed oil	Ghana, Ukraine		2
	bay leaves, dill tips	Turkey, India, Uzbekistan		4
	bear`s garlic	Germany	PAH: up 146.06 µg/kg	7
	banana chips, cocoa powder	Czech Rep. (raw mat. Philippines), unknown, Hungary		7
	food supplement	China, USA, France (raw mat. China), Finland	PAH: up 152.4 µg/kg	13
	spirulina powder	China	PAH: 84.4 µg/kg	1
Radioactivity	hedgehog mushroom	Turkey		1
Mineral oil components	infant formula, follow-on formula	Germany (produced UK), not specified		15
Benzalkonium chloride	beans	Egypt	2.2 mg/kg	1
Boron	mineral water	Turkey		1
Chlorate	food supplement	Spain (produced Germany)		1
	pangasius fillet	Vietnam	up 21 mg/kg	7
Ethylene oxide	cumin	India (via Lithuania)	0.9 mg/kg	7

Reason for Notifying	Product	Country of Origin	Notes	Number
Acrylamide	pastry	Bosnia and Herzegovina		1
	chips	USA	1,300 µg/kg	9
3-Monochlorpropandiol (3-MCPD)	soy sauce	USA	100 µg/kg	1
Glycidyl esters	ghee (clarified butter)	Turkey		3
	cocos cookies	Turkey	4,777 µg/kg	1
	vegetable fat	Turkey	2,735 µg/kg	1
	vegetable fat	United Arab Emirates		41
	rice oil	India	3,173 µg/kg	3
Tropan alkaloids (Atropin, Scopolamin)	organic buckwheat flour	France		1
Morphine	poppy, poppy seed	Slovakia, Poland	up 59.8 mg/kg	6
Shellfish poisoning toxins (DSP)	mussels	Italy		1
Ergot (<i>Claviceps purpurea</i>)	rye flour	France	873 µg/kg	1
Histamine	fish / fish products		up 1,969.8 mg/kg	10
Hydrocyanic acid	linseed	India		4
	apricot kernels	Hong Kong, Turkey, Greece, India	up 1,840 mg/kg	8
Iodine	algae salad	Spain		1
	food supplement	USA		1
Pharmacological Active Substances				
Bacterial inhibitors	goat milk	Italy		5
2,4-Dinitrophenol (DNP)	food supplement	China, India, Saudi Arabia, Turkey, USA, unknown		18
4,4'-Diaminodiphenyl sulfone (Dapsone)	mixed honey	Slovakia, Poland		2
Agmatine sulfate	food supplement	UK		1
Antraquinone	organic black tea, black tea, tea	China, Syria	up 0.096 mg/kg	5
Chloramphenicol	shrimps	India		1
Cannabidiol (CBD)	food supplement	Germany, Switzerland, Austria, Netherlands, Poland, Portugal, USA, unknown	12,700 mg/kg	27
	hempseed oil	Germany, unknown		2
Tetrahydrocannabinol (THC)	food supplement	Netherlands, Poland, Spain (partly raw mat. Germany), USA, Austria, Germany	up 1,310 mg/kg	28
Higenamine	food supplement	UK		2
Ivermectin	pangasius fillet	Vietnam	98.5 µg/kg	1
	beef	Brazil		1
Matrine	black tea	China	0.29 mg/kg	1
Metronidazole	acacia honey	Serbia		2
	pig carcasses	France		1

Reason for Notifying	Product	Country of Origin	Notes	Number
Monacolin K	food supplement	Denmark, Austria, Portugal, Spain		7
Nitrofuran/ -metabolites	shrimps	India		1
Nortadalafil	food supplement	Romania (raw mat. China)		3
Ofloxacin	pangasius steaks	Vietnam		2
Ractopamine	beef chops	USA		1
Sildenafil	food supplement	Sweden, UK		3
Sulfadiazine	tilapia	China		2
Sulfonamides	honey	Turkey	(Sulfadimidin)	1
Synephrine	food supplement	USA		1
Tetracyclines	shrimps, crustaceans	Vietnam	(Doxycyclin)	2
Yohimbin, yohimbe powder, yohimbe extract	food supplement	Canada, Netherlands, USA, Germany, UK		32
Unauthorised Colours				
Orange II	curcuma	India		1
Rhodamine B	beets	Lebanon	up 12.18 mg/kg	7
Sudan IV	palm oil	Guinea-Bissau	88 µg/kg	1
Miscellaneous				
Parasite infestation with anisakis, pseudoterranova	alaska halibut, fish, pike, cod fillet, mackerel, redfish	China, Morocco, Spain, Iceland, France, Canada		11
Pyrrolizidine alkaloids (PA)	herbal tea	Germany		1
	food supplement	Czech Rep., not specified		7
	oregano	Turkey		3
GMO, not authorized	shrimp crackers, wheat pastries, rice noodles	China		3
	papaya	Cambodia		1
	foodstuff enzyme	Denmark, China	(genetic modified <i>Bacillus velezensis</i>)	4
Food dependent disease outbreak	algae salad	China		1
	oysters, wedge shell clams, pacific crupped oysters	France, Ireland, Turkey		34
	smoked salmon	Lithuania, Poland		4
	meat products, pork, sausage products	Netherlands, Spain, Germany		5
	eggs, organic eggs, liquid egg white	Spain, Italy, France (raw mat. Spain, Germany, Netherlands)		8
	cheese	Netherlands		1
	walnuts, sugar snaps	Austria, Kenya		7
	other food products / mixtures	UK		8

Reason for Notifying	Product	Country of Origin	Notes	Number
Pathogenic Germs				
<i>Aeromonas hydrophila</i> , <i>Aeromonas cavia</i>	fresh milk	Germany		1
<i>Clostridium botulinum</i> - Toxin	tuna	Spain		1
Salmonella total: 412	meat / meat products (including poultry)			272
	shrimps, crabs	Netherlands, China		6
	organic mussels, mussels	Ireland, Chile, Spain		8
	alaska pollock, fish, Nile perch	Netherlands, Gambia, Tanzania		5
	milk powder, soft cheese	Belgium, France		8
	eggs	Poland, Spain		4
	organic ginger slices	Uganda		1
	chili, spice mixture, cumin, oregano, pepper, black pepper, long pepper, onion powder	India, Poland, Syria, Turkey, Brazil, Vietnam		44
	various hummus products	UK		2
	organic sesame seeds, sesame seeds, sesame paste	Uganda, Ethiopia, India, Sudan, Turkey, Syria		38
	pistachios, almonds, walnuts	Switzerland (raw mat. Iran), USA, Hungary		9
	tiger nuts, pine nuts	Spain (raw mat. Niger), Turkey		2
	organic elderflowers, moringa powder, beetroot seeds, sprouts	Albania, Burkina Faso, Italy, Germany		13
<i>Listeria monocytogenes</i>	meat / meat products (including poultry)	Italy, Spain, Germany, France, Hungary, Poland, Austria, Romania, Belgium		55
	fish / fish products	Croatia, France, Norway		17
	king crabs, crustaceans, mussels	Chile, Sweden, Spain		5
	pancake	France	(suspicion)	1
	cheese, raw milk cheese, soft cheese	Netherlands, Poland, Switzerland, France		19
	sandwich spread, dessert, gherkin cubes, potato slices	France, UK, Spain, Belgium		7
Shigatoxin producing E.coli	beef, beef ribs	Poland, Argentina		3
	spelt shortcrust	Austria		5
	raw milk cheese	France (partly packed Germany)		8
<i>Bacillus cereus</i> / enterotoxin	milk	Germany		3
	pumpkin seeds	China	(toxin)	2
<i>Bacillus cytotoxicus</i>	products with insect flour	Germany (raw mat. Czech Rep.)		5

Reason for Notifying	Product	Country of Origin	Notes	Number
	protein bars	UK (produced Czech Rep.)		5
<i>Campylobacter coli</i>	chicken meat	Germany		2
Pathogenic Vibrio (<i>Vibrio parahaemolyticus</i>)	tiger shrimps	Bangladesh		1
Norovirus	oysters, mussels, cockles, pacific crapped oysters	France, Ireland, Portugal, Korea		49

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