

No. 3 – June 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 28 decisions at its 114th conference:

These partially 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. ..."

Furthermore, the guideline regarding the monitoring of genetic modifications in food (Statement No. 2016/01) was published in an updated version.

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

- The claim "valuable ingredients" (wertvolle Inhaltsstoffe) is a nutrition claim: for a drink with an alcoholic content above 1.2 vol% with the claim "unfiltered, valuable ingredients are preserved", the expression "valuable ingredients" must be considered as a nutrition claim (according to Regulation (EC) No. 1924/2006). However, such a nutrition claim is not permissible for drinks with an alcoholic content of more than 1.2 vol%.
- Iodised table salt – labelling: "iodised table salt" can be specified as a special designation in the list of ingredients of a foodstuff. However, the individual ingredients of the salt must also be listed.
- "Glühwein" (hot wine punch) made of rosé wine: a product made of rosé wine is not marketable as "Glühwein", according to Regulation (EU) No. 251/2014.
- Labelling "without genetic modification" permissible for classic mutagenesis: the ECJ decided on 25 July 2018 that organisms that were obtained through mutagenesis are genetically modified organisms (GMO) and are, as a matter of principle, subject to obligations provided in the GMO guideline (Ref. C-528/16), yet GMO that were obtained through the classic methods of mutagenesis were

exempted from that. Therefore, the use of such organisms for foods that have a "without genetic modification" labelling is permissible.

At (in German) https://www.bvl.bund.de/DE/Arbeitsbereiche/01_Lebensmittel/01_Aufgaben/11_ALS/ALTS/02_ALS/ALS_node.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.

News from the BfR

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

- 3-MCPD and glycidyl fatty acid esters: health risks through high contents of 3-MCPD and glycidyl fatty acid esters in certain foods are possible (Statement No. 020/2020 dated 20 April 2020, in German: <https://www.bfr.bund.de/cm/343/gesund-heitliche-risiken-durch-hohe-gehalte-an-3-mcpd-und-glycidyl-fettsaeureestern-in-bestimmten-lebensmitteln-moeglich.pdf>).
- Irrigation with processed wastewater: the BfR expects that climate change will increasingly entail irrigation with processed wastewater and may even be used for plants that are intended for raw consumption. Therefore, as protection against food-borne infections, it is recommended to thoroughly wash fresh fruit and vegetables with drinking water prior to consumption and to peel or blanch vegetables that grow at ground level in order to reduce the risk of infection (Statement No. 021/2020 dated 21 April 2020, in German: <https://www.bfr.bund.de/cm/343/aufbereitete-abwaesser-bakterielle-krankheitserreger-auf-frischem-obst-und-gemuese-vermeiden.pdf>).
- Coronavirus – FAQ: the BfR continuously updates questions and answers regarding the new coronavirus SARS-CoV-2 (https://www.bfr.bund.de/en/can_the_new_type_of_coronavirus_be_transmitted_via_food_and_toys_-244090.html).

EFSA Publications

Amongst others, the European Food Safety Authority (EFSA) published the following:

- OpenFoodTox updated: with "OpenFoodTox", the EFSA made a database accessible to the public including the chemical substances in food and feeding stuff that were evaluated by EFSA since its foundation. This database has now been updated. For the individual substances, their chemical properties, toxicological reference values and studies are stored, respectively (<https://data.europa.eu/euodp/en/data/dataset/openfoodtox-efsa-s-chemical-hazards-database>).

- Pesticide residues – annual report: the EFSA published their annual report (2018) on pesticide residues in foodstuffs in the European Union. This year, the results have been made accessible in searchable tables and graphics (<http://www.efsa.europa.eu/en/news/pesticide-residues-food-track-trends-our-browsable-charts>).

Sentences

- Indication of the number of pralines: on 25 October 2018, the Higher Regional Court of Frankfurt on the Main had already decided that a manufacturer of candies, which are sold individually (each of them enveloped with a heat-sealed foil) in a secondary packaging, must indicate on the secondary packaging, how many individual packages are contained (Ref. 6 U 175/17). According to a decision of the Federal High Court of Justice in Karlsruhe dated 5 March 2020, the sentence of the Higher Regional Court of Frankfurt on the Main is in force now. In the opinion of the Federal High Court of Justice, the heat-sealed foil packaging meets the criteria of an individual package in the sense of the Food Information Regulation (Federal High Court of Justice (BGH), I ZR 80/19).

- "Culatello di Parma" is an inadmissible designation in Germany: the designation "Culatello di Parma" for ham from the Italian region Parma represents an unlawful allusion to the protected designation of origin "Prosciutto di Parma". In the sentence of the Higher Regional Court of Cologne dated 18 January 2019 (Ref. 6 U 61/18), the judges also pointed to the remarkable resemblance of the presentation and packaging to the protected product. The Federal High Court of Justice confirmed this opinion with its sentence dated 12 December 2019 (Federal High Court of Justice (BGH), I ZR 21/19).

- Blooming teas – no base price indication required for an offer for a number of units: according to a sentence of the District Court of Hanover, no base price needs to be indicated for an offer for a number of units regarding a pack of blooming tea that is distributed online ("... bulk pack blooming tea white tea – pack containing 36 units") (Sentence dated 11 December 2019, Ref. 23 O 75/19).

Miscellaneous

- Novel Food – partially defatted powder from chia seeds: with the Implementing Regulation (EU) 2020/500, the marketing of partially defatted powders from chia seeds (*Salvia hispanica*) as novel food was approved (Official Journal L 109 dated 7 April 2020, page 2).

- Extended nutrition labelling – Nutri-Score: the Federal Ministry of Food and Agriculture (BMEL) published German translations for the registration procedure and the conditions of use of the Nutri-Score on its web page as a support for enterprises (in German: <https://www.bmel.de/DE/themen/ernaehrung/lebensmittel-kennzeichnung/freiwillige-angaben-und-label/naehrwertkennzeichnung-hilfestellungen.html>).

- Shared database for "PGI", "PDO" and "TSG": on the web pages of the European Commission, the EU register of the protected geographical indications is summarised in the "eAmbrosia database" since the beginning of the year. Previously, foodstuffs, wine and spirits were listed in three individual databases ("DOOR", "E-Bacchus", "E-Spirit-Drinks"). Now, the search for the respective products has been simplified (<https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/#>).

- Additives – modifications regarding citric acid (E 330), polyglycerol-polyricinoleate (E 476) and polysorbates (E 432-436):

- Citric acid in cocoa and chocolate products: with Regulation (EU) 2020/351 dated 28 February 2020, citric acid (E 330) was approved for the use in milk chocolate with an amount of 10,000 mg/kg (Official Journal L 65 dated 4 March 2020, page 1).

- Polyglycerol-polyricinoleate in liquid plant oil emulsions: E 476 was approved as an emulsifier in certain plant oil emulsions with Regulation (EU) 2020/355 dated 26 February 2020 (Official Journal L 67 dated 5 March 2020, page 28).

- Polysorbates in carbonated drinks: with Regulation (EU) 2020/356 dated 4 March 2020, polysorbates were approved in certain carbonated drinks (Official Journal L 67 dated 5 March 2020, page 31).

- Pyrrolizidine alkaloids – Code of Practice: for the German agriculture and food sector, a cross-sector "Code of Practice for the prevention and reduction of the contamination of foodstuffs with pyrrolizidine alkaloids" was developed and can be downloaded from the web pages of the food association (in German: <https://www.lebensmittelverband.de/de/lebensmittel/sicherheit/unerwuenschte-stoffe-kontaminanten/pyrrolizidinalkaloide-pa>).

- Pesticides: extensive information on approved pesticides, revoked and suspended approvals as well as 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/Arbeitsbereiche/04_Pflanzenschutzmittel/01_Aufgaben/02_ZulassungPSM/01_ZugelPSM/psm_ZugelPSM_node.html).

■ Veterinary drugs: the BVL published the notice regarding the approval of veterinary drugs and other official acts from 23 March 2020 (in German:

https://www.bvl.bund.de/SharedDocs/Downloads/05_Tierarzneimittel/Bekanntmachungen/2020_04_27_Bekanntmachung_BAnz.html?nn=11031612).

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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 28 February 2020 and 12 May 2020**.

Source:

<https://webgate.ec.europa.eu/rasff-window/portal/?event=notificationsList&StartRow=1>

Reason for Notifying	Product	Country of Origin	Notes	Number
Mycotoxins				
Aflatoxins total: 61	nuts, figs, dates, pistachios, peanuts, almonds, melon kernels (including products)			52
	chili, chili powder	India	B1: up 13.7 µg/kg; total: 14.0 µg/kg	3
	nutmeg	Indonesia	B1: 11 µg/kg	1
	seasoning mix, spice mix, dried peppers (Capsicum), curry powder	Pakistan, Sri Lanka, Malaysia	B1: up 20.1 µg/kg; total: up 20.8 µg/kg	4
	suya pepper	Ghana	B1: 299 µg/kg; total: 356.2 µg/kg	1
Ochratoxin A	figs	Turkey, Spain	up 61.2 µg/kg	3
	raisins, sultanas	Uzbekistan, South Afrika, Turkey	up 33.8 µg/kg	3
	currants	Greece	81.4 µg/kg	1
	nutmeg	Indonesia	340 µg/kg	1
	black quinoa grains	Peru	24 µg/kg	1
Deoxynivalenol (DON)	durum wheat	Italy (raw mat. Austria, Romania, Slovakia, Hungary, Germany)	4,023.1 µg/kg	1
Fumonisin	corn flour	Italy	3,048 µg/kg	1
Heavy Metals / Other Metals				
Lead	wild boar meal	Czech Republic (raw mat. Poland)	58 mg/kg	1
	food supplement	Moldavia	14.7 mg/kg	1
Cadmium	cuttlefish	India	up 1.5 mg/kg	2
	mackerel tuna (<i>Euthynnus affinis</i>), tuna, torpedo scad (<i>Megalaspis cordyla</i>)	Indonesia, Senegal, Netherlands	up 1.7 mg/kg	4
	celeriac	Netherlands	0.45 mg/kg	1
Mercury	fish / fish products	Algeria, India, Spain	up 1.4 mg/kg	4
Arsenic	frozen shrimps	Senegal	17 mg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
Other Contaminants / Residues				
Benzo(a)pyrene, PAH	smoked sardines	Ghana	Benzo(a)pyrene: 62 µg/kg; PAH: up 592.8 µg/kg	1
	smoked poultry	Ghana	Benzo(a)pyrene: 28.7 µg/kg; PAH: up 266.1 µg/kg	1
	ground ginger	Czech Republic	Benzo(a)pyrene: 14.8 µg/kg; PAH: 66 µg/kg	1
Mineral oil (MOSH, MOAH)	unripe wheat	Jordan	MOAH: 1.4 mg/kg	1
	rice oil	Thailand	MOSH: 59.5 mg/kg; MOAH: 25 mg/kg	1
Chlorate	lettuce hearts	Spain	5.608 mg/kg	1
	pangasius fillet	Vietnam	up 2.85 mg/kg	3
Acrylamide	salted crisps, arracacha and manioc chips, potato chips	Italy France, Latvia	up 2,900 µg/kg	4
3-Monochlorpropandiol (3-MCPD)	rice oil	Italy	7,551 µg/kg	1
Glycidyl esters	vegetable ghee (vegetable fat)	Turkey	5,980 µg/kg	1
	rice oil	Italy, Thailand	up 2.37 mg/kg	2
	strawberry cake	Taiwan	1,913 µg/kg	1
Shellfish poisoning toxins (PSP)	scallops	Norway	1,106 µg/kg	1
Ergot alkaloids (<i>Claviceps purpurea</i>)	triticale	France		1
Hydrocyanic acid / cyanide	apricot kernels, organic linseeds	Turkey, India		2
Pharmacological Active Substances				
1,3-Dimethylamylamine (DMAA)	food supplement	USA		1
Anthraquinone	green tea	Georgia		1
Avanafil	food supplement	China		1
Chloramphenicol	shrimp skewers	Netherlands (raw mat. Honduras)	0.75 µg/kg	1
Cannabidiol (CBD)	organic hemp oil CBD and CBD capsules	Netherlands		1
Tetrahydrocannabinol (THC)	organic CBD hemp tea	Austria	285 mg/kg	1
Dimetridazole	organic honey	Belgium (raw mat. Romania, Mexico)	7.9 µg/kg	1
Melatonin	food supplement	Poland		1
Nitrofurantolol/-metabolites	shrimps	India	up 4.8 µg/kg (AOZ)	2
Sildenafil	food supplement	USA		2
Yohimbine, Yohimbe-extract	food supplement	USA, Estonia, Netherlands		3

Reason for Notifying	Product	Country of Origin	Notes	Number
Unauthorised Colours				
Rhodamine B, Orange II	pan masala mouth freshener (product category confectionery)	Pakistan		1
Miscellaneous				
Parasite infestation with Anisakis	herring roe, silver scabbardfish (<i>Lepidopus caudatus</i>)	Denmark, Morocco		2
Pyrrolizidine alkaloids (PA)	organic ground cumin, oregano, spices	Turkey	up 56,100 µg/kg	3
GMO, not authorised	rice	China		1
Food dependent disease outbreak	oysters	France		1
	tuna loins	Vietnam		1
	pork shoulder	Spain (raw mat. Germany)		1
	chicken meat	Brazil		1
	food supplement	USA		2
Pathogenic Germs				
Salmonella total: 151	meat / meat products (including poultry)			113
	black pepper, chili powder, ground ginger, kafir lime leaves, paprika, paprika powder	Brazil, India, Netherlands, South Afrika, China		10
	rice flour, black chia seeds, black mulberry	Italy, Bolivia, Afghanistan		3
	betel leaves	Sri Lanka, Thailand, Malaysia		4
	sesame seeds	Sudan, India, Ethiopia, Nigeria		21
<i>Listeria monocytogenes</i>	meat / meat products (including poultry)	France, Argentina, Poland		6
	fish / fish products	Poland, Italy, UK, Romania, unknown		6
	raw milk cheese, cheese	France, Netherlands, Switzerland		5
	pastry	Belgium		1
	salad	France		1
	vegetable sausages	Germany		1
Shigatoxin-producing E.coli (STEC)	beef	Argentina, Brazil		2
	lamb loins	New Zealand		1
	sausages	UK		1
	organic raw goat`s milk cheese, raw goat`s milk cheese, raw milk cheese, raw milk soft cheese	Belgium, France, Netherlands, Italy		4
<i>Bacillus cereus</i> / -enterotoxin	chilled veal dish	Austria		1
	dark chocolate insect protein bar	France		1

Reason for Notifying	Product	Country of Origin	Notes	Number
Pathogenic vibrio	soft shell crabs	Thailand	(<i>Vibrio cholerae</i>)	1
Norovirus	raspberries	Serbia		1
	oysters	France, Ireland		8

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