

## No. 4 – August 2020

### Sentences

■ Basic price indication – "spatial proximity" to the final price is not mandatory: according to a decision of the Higher Regional Court of Hamburg, it is not essential to indicate the basic price in the direct proximity to the final price. In pursuance of Section 2 Sub-section 1 of the Price Indication Regulation, the basic price should virtually be indicated "... in the direct proximity to the total price ...". However, since the Price Indication Regulation represents the implementation of the corresponding EU Directive (98/6/EC dated 16 February 1998), according to which the indication must solely be "... unambiguous, easily identifiable and clearly legible", an interpretation in conformity with the directive is required in the opinion of the court. In this respect, the German Price Indication Regulation exceeds the requirements of the directive and will, therefore, not be taken into consideration here (Higher Regional Court of Hamburg, decision as from 22 April 2020, Ref. 3 U 154/19; in German: <https://openjur.de/u/2201826.html>).

■ Misleading illustration on a meat package: according to a sentence of the District Court Nuremberg-Fürth, it is prohibited to apply an illustration of pigs on a green meadow to a package containing pork when the meat actually comes from animals raised in conventional indoor housing (District Court Nuremberg-Fürth, sentence as from 29 April 2020, Ref. 19 O 5336/19; in German: <https://www.verbraucherzentrale.de/aktuelle-meldungen/lebensmittel/verbraucher-schuetzer-gewinnen-klage-gegen-irrefuehrende-fleischverpackung-47618>).

■ Advertisement "raw fruit and vegetables" for coconut oil: the District Court of Koblenz prohibited the advertisement of coconut oil as "100 % Rohkost" (100% raw fruit and vegetables), since blanched coconut flesh is used for the respective oil production (District Court of Koblenz, sentence as from 5 May 2020, Ref. 2 HK O 61/17; in German: <https://www.wettbewerbszentrale.de/de/aktuelles/news/?id=3341>).

■ Misleading advertisement regarding infant food: in the sentence handed down on 5 June 2020, the District Court of Munich I prohibited the use of misleading or ambivalent indications in the advertisement of children's milk regarding nutrition claims and health-related information. In detail, different statements

regarding the supposed vitamin D and calcium demand of children are concerned. These are, for example, the following: "7x mehr brauchst du als ich, wirst groß, gesund – ganz sicherlich" (you need 7 times more than I do, you will grow up and you will be healthy: that's for sure) and "Darum benötigt Ihr Kind 7x mehr Vitamin D als ein Erwachsener" (this is why your child needs 7x more vitamin D than an adult) (District Court of Munich I, sentence as from 5 June 2020, Ref. 15946/19; in German: [https://www.vzby.de/sites/default/files/downloads/2020/07/09/lg\\_muenchen\\_i\\_05.06.2020.pdf](https://www.vzby.de/sites/default/files/downloads/2020/07/09/lg_muenchen_i_05.06.2020.pdf)).

### Modifications regarding pesticides

■ Maximum residue levels (MRL): with the Regulations (EU) 2020/703, 2020/770, 2020/785 and 2020/856, the MRL of the following pesticide active agents were modified:

chromafenozide, cyantraniliprole, cyazofamid, cyprodinil, dimethoate, fenpyroximate, fludioxonil, fluometuron, fluxapyroxad, imazalil, isofetamid, kresoxim-methyl, lufenuron, mandipropamid, myclobutanil, napropamide, omethoate, pencycuron, propamocarb, pyraclostrobin, pyriofenone, pyriproxyfen, sedaxane, sintofen, spinetoram, tau-fluvalinate, triazoxide.

■ Beta-cyfluthrin – approval not renewed: according to the Implementing Regulation (EU) 2020/892 dated 29 June 2020, the approval for the active agent beta-cyfluthrin was not renewed. The regulation came into force on 20 July 2020. Until 20 January 2021 at the latest, the Member States will revoke the approvals for pesticides that contain beta-cyfluthrin as an active agent. Any periods of permitted use will end on 20 July 2021 at the latest (Official Journal L 206 dated 30 June 2020, page 5).

■ Information on pesticides from the BVL: 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](http://www.bvl.bund.de) ([https://www.bvl.bund.de/EN/Tasks/04\\_Plant\\_protection\\_products/01\\_ppp\\_tasks/02\\_ppp\\_AuthorisationReviewActSub/01\\_ppps\\_authorised/ppp\\_authorised\\_node.html](https://www.bvl.bund.de/EN/Tasks/04_Plant_protection_products/01_ppp_tasks/02_ppp_AuthorisationReviewActSub/01_ppps_authorised/ppp_authorised_node.html)).

## Further publications of the BVL

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

- "Hot and spicy – Chili, Pfeffer und Co. im Blickpunkt" (hot and spicy – chili, pepper and co. in the focus): on its homepage, the BVL published information on frequently detected mycotoxins, residues of pesticides or heavy metals in spices such as chili powder, pepper or paprika seasoning on 6 May 2020. Importers and producers are requested to carry out enhanced self-monitoring. However, since spices are only used in small quantities, there is no health risk for consumers (in German: [https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01\\_lebensmittel/2020/2020\\_05\\_06\\_PI\\_Gewuerze.html](https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01_lebensmittel/2020/2020_05_06_PI_Gewuerze.html)).

- "Sushi sheets" – contaminant loads: seaweed often absorbs contaminants from the environment. During investigations, high contents of cadmium, lead, arsenic and aluminium were, in particular, detected in dried algae leaves. Likewise, the iodine contents were, in general, too high. For further details, please refer to the communication dated 28 May 2020 (in German: [https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01\\_lebensmittel/2020/2020\\_05\\_28\\_PI\\_Sushi-Blaetter.html](https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01_lebensmittel/2020/2020_05_28_PI_Sushi-Blaetter.html)).

- Veterinary drugs: the BVL published the notice regarding the approval of veterinary drugs and other official acts dated 20 May 2020 (in German: [https://www.bvl.bund.de/SharedDocs/Fachmeldung/en/05\\_tierarzneimittel/2020/2020\\_06\\_26\\_Fa\\_Bekanntmachung\\_Zulassung\\_TA.html](https://www.bvl.bund.de/SharedDocs/Fachmeldung/en/05_tierarzneimittel/2020/2020_06_26_Fa_Bekanntmachung_Zulassung_TA.html)).

## News from the BfR

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

- Consumer tips on food hygiene, cleaning and disinfection / diarrhoea- and jaundice-causing pathogens: in an updated information leaflet, the BfR gives tips on the issues of food hygiene, cleaning and disinfection (in German: <https://www.bfr.bund.de/cm/350/verbrauchertipps-zu-lebensmittelhygiene-reinigung-und-desinfektion.pdf>).

Furthermore, in its press release 20/2020 dated 5 June 2020, the BfR gives tips on how consumers can protect themselves against diarrhoea- and jaundice-causing pathogens ([https://www.bfr.bund.de/en/press\\_information/2020/20/keep\\_diarrhoea\\_and\\_jaundice\\_at\\_bay-247300.html](https://www.bfr.bund.de/en/press_information/2020/20/keep_diarrhoea_and_jaundice_at_bay-247300.html)).

- Furan – FAQ: on 28 May 2020, a catalogue of questions and answers regarding furan in foods was published (in German: [https://www.bfr.bund.de/de/fragen\\_und\\_antworten\\_zu\\_furan\\_in\\_lebensmitteln-127914.html](https://www.bfr.bund.de/de/fragen_und_antworten_zu_furan_in_lebensmitteln-127914.html)).

- BfR2GO: the 1/2020 issue of the science magazine of the BfR ("BfR2GO") is now available at <https://www.bfr.bund.de/cm/364/bfr-2-go-issue-1-2020.pdf>.

- Pyrrolizidine alkaloids (PA): as regards the PA object, the BfR published an updated risk assessment with Statement No. 026/2020 dated 17 June 2020 regarding contents of 1,2-unsaturated pyrrolizidine alkaloids (PA) in foods (in German: <https://www.bfr.bund.de/cm/343/aktualisierte-risiko-bewertung-zu-gehalten-an-1-2-ungesaettigten-pyrrolizidinalkaloiden-pa-in-lebensmitteln.pdf>).

In addition, the questions and answers regarding pyrrolizidine alkaloids in foods were updated (in German: <https://www.bfr.bund.de/cm/343/fragen-und-antworten-zu-pyrrolizidinalkaloiden-in-lebensmitteln.pdf>).

- Per- and polyfluoroalkyl substances (PFAS): in its Statement No. 028/2020 dated 6 July 2020, the BfR concludes that the consumption of sheep- or beef liver can significantly contribute to the total intake of PFAS (in German: <https://www.bfr.bund.de/cm/343/verzehr-von-schaf-%20oder-rinderleber-kann-erheblich-zu-gesamtaufnahme-von-per-und-polyfluoralkylsubstanzen-beitragen.pdf>).

- Coronavirus - FAQ: the BfR is continuously updating the 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](https://www.bfr.bund.de/en/can_the_new_type_of_coronavirus_be_transmitted_via_food_and_toys_-244090.html)).

## Miscellaneous

- Prohibition of the sweetening of teas for infants and young children: according to the fourth ordinance regarding the modification of the Fruit Juice and Soft Drinks Ordinance dated 18 May 2020 (Federal Law Gazette I No. 24 dated 28 May 2020, page 1075), herbal and fruit teas for infants and young children must no longer be sugared with sweetening ingredients. Special labelling provisions were also defined. The ordinance came into force on 29 May 2020. Until 29 November 2020, the teas may still be produced and labelled in accordance with the provisions that applied until 28 May and may then be marketed until stocks are exhausted.

- Novel Food – extension of the Union List: the Implementing Regulation (EU) 2017/2470 of the Commission for the establishment of the Union List of novel food was, amongst others, modified as follows by further EU implementing regulations:

- Xylooligosaccharides, extension of the purposes (Implementing Regulation 2020/916 dated 1 July 2020, Official Journal L 209 dated 2 July 2020, page 6),

- The infusion of coffee leaves of the *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner types as a traditional food from a third country was approved (Implementing Regulation 2020/917 dated 1 July 2020, Official Journal L 209 dated 2 July, page 10).

■ Chlorate/Perchlorate – update: with Regulations (EU) 2020/749 and 2020/685, maximum contents for chlorate and perchlorate were stipulated. These maximum values have applied since 24 June 2020 (for chlorate) and since 1 July 2020 (for perchlorate) (chlorates: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R0749&qid=1591623683652&from=EN>;

perchlorates: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R0685&qid=1591624227155&from=EN>).

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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 13 May 2020 and 31 July 2020**.

Source:

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

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Mycotoxins</b>				
Aflatoxins total: 59	nuts, figs, pistachios, peanuts, almonds, apricot kernels; (including products)			44
	chili, chili powder	India, China	B1: up 26.4 µg/kg	4
	kofta seasoning mix	Pakistan	B1: 8.1 µg/kg	1
	brown rice, basmati rice	Cambodia	B1: up 20.6 µg/kg	5
	soya chunks, dried mulberries, dried lotus seeds, chestnut flour, sesame seeds	India, Turkey, China, Italy, Nigeria	B1: up 12 µg/kg; total: up 14 µg/kg	5
Ochratoxin A	figs	Turkey	up 26 µg/kg	2
	raisins	Turkey	40.5 µg/kg	1
	soya chunks	India	60 µg/kg	1
	muesli, millet flakes	Czech Rep., Ukraine	up 8.38 µg/kg	2
	chili, chili powder	China, India	up 82 µg/kg	3
	red wine	Italy	3.88 µg/kg	1
Deoxynivalenol (DON)	wheat flour	Ukraine	1,063.39 µg/kg	1
Fumonisin	organic corn flour	Belgium (raw mat. Italy)	2,067 µg/kg	1
Patulin	apple juice	Serbia	78.9 µg/kg	1
<b>Heavy Metals / Other Metals</b>				
Lead	beef	Italy	1.8 mg/kg	1
Cadmium	Nothern Shortfin Squid ( <i>Illex illecebrosus</i> )	Spain, Argentina	up 17 mg/kg	2
	cuttlefish ( <i>Sepia pharaonis</i> )	Vietnam	1.26 mg/kg	1
	murex snails ( <i>Bolinus brandaris</i> )	France, Italy	up 1.8 mg/kg	2
	jackfruit chips	Vietnam	0.062 mg/kg	1
	fresh spinach	Netherlands	0.30 mg/kg	1
Mercury	fish / fish products	Ukraine, Croatia, Germany, Spain (partly raw mat. Ecuador), Portugal (partly raw mat. Indonesia)	up 2.26 mg/kg	9

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Other Contaminants / Residues</b>				
Benzo(a)pyrene, PAH	chocolate powder to produce ice cream	Brazil	Benzo(a)pyrene: 9.3 µg/kg; PAH: 61.4 µg/kg	1
	cereals for babies	Austria	PAH: 2 µg/kg	1
	green walnut tincture	Moldova	PAH: 1.93 µg/kg	1
	St. John`s wort extract	China	PAH: 250 µg/kg	1
	resveratrol supplement	USA	PAH: 88.8 µg/kg	1
Glycidyl esters	vegetable ghee (vegetable fat)	United Arab Emirates	3,600 µg/kg	1
	rice oil	Thailand	2,799 µg/kg	1
	biscuits filled with lemon-flavoured cream	Sri Lanka	in fat: 2,591 µg/kg	1
Tropane alkaloids (Atropine, Scopolamine)	organic blackberry leaves	Bulgaria	Atropine: 543.1 µg/kg; Scopolamine: 31.4 µg/kg	1
Shellfish Poisoning toxins (DSP)	live mussels	Italy, France	Ocadaic acid: up 501 µg/kg	5
Histamine	fish / fish products	Sri Lanka, Vietnam, China, India, Spain	up 2,464 mg/kg	5
Iodine	food supplement	France		1
	dried kombu seaweed	South Korea	2,233 mg/kg	1
<b>Pharmacological Active Substances</b>				
1,3-Dimethylamylamine (DMAA)	food supplement	USA		1
Chloramphenicol	whey powder	Ukraine	0.22 µg/kg	1
Cannabidiol (CBD)	chocolate, nut products, sweets, chewing gum	UK, USA, Netherlands, Germany, unknown	318 mg/kg	9
	CBD oil, hemp oil	UK, Austria, Germany, Netherlands, Denmark		5
	various food products	Spain, UK		2
	food supplement	Gibraltar, Switzerland, UK, Netherlands, Austria		7
Tetrahydrocannabinol (THC)	chocolate	Netherlands	969 mg/kg	1
	CBD oil	Austria	0.15%	1
	hemp oil	Denmark	21 mg/kg	1
	food supplement	Austria	up 1,330 mg/kg	1
Nitrofurantolol/-metabolites	shrimps	India	(AOZ)	1
	honey	Ukraine	2.9 µg/kg (SEM)	1
Tetracyclines	poultry meat	Poland	(Doxycycline)	1
Tadalafil	food supplement	Romania		1
<b>Unauthorised Colours</b>				
Rhodamine B	pickled turnips	Syria		1
Sudan I, III, IV	palm oil	Senegal		2
Sudan IV	palm oil	Ghana		1
Sudan I, Orange II	cayenne pepper powder	Nigeria		1

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Miscellaneous</b>				
Parasitic infestation with Anisakis	John Dory, hake, jack mackerel, mackerel	Morocco, Argentina, Chile, China		6
Pyrrolizidine alkaloids (PA)	herbal tea	Portugal	293 µg/kg	1
	cumin	Turkey	29,120 µg/kg	1
GMO, not authorised	organic rice noodles	China		1
	food enzymes	Belgium, Germany, China, USA, New Zealand		8
Foodborne disease outbreak	tuna	Sweden (raw mat. Vietnam), Vietnam		2
	red snapper	India		1
	smoked trout fillets	Netherlands		1
	eggs	France		1
	frozen red kidney beans	Turkey		1
	mozzarella	Italy		1
	frozen chicken nuggets	Poland		1
	food supplement	Spain		1
<b>Pathogenic Germs</b>				
Salmonella total: 137	meat / meat products (including poultry)			102
	mussels	Italy		1
	eggs / egg products	Belgium, Netherlands, Poland		3
	moringa leaves, paprika powder, pepper, chilli powder, basil	Sri Lanka, China, Brazil, Egypt		12
	sesame seeds	India, Nigeria, Ethiopia, Uganda		11
	almonds	USA		3
	nigella seeds	India		1
	halva, spinach, gluten, sandwich	Syria, Italy, Belgium, France		4
<i>Listeria monocytogenes</i>	meat / meat products (including poultry)	Italy (partly processed Sweden), Belgium, Poland, France, Hungary, Romania, Netherlands		10
	fish / fish products	France, Serbia (partly raw mat. Norway), Spain, Germany, Poland, Norway		10
	octopus, shrimps	Spain (partly raw mat. Venezuela)		2
	raw milk cheese, cheese, filled goat cheese	Italy, Austria, France		4
	raspberries	Spain		1
	organic salad leaves	France		1
	tuna lunch salad	Netherlands		1

Reason for Notifying	Product	Country of Origin	Notes	Number
Shigatoxin-producing E.coli (STEC)	beef, minced beef, filet american, lamb meat	Belgium, Ireland, New Zealand		5
Pathogenic vibrio	shrimps	Vietnam	( <i>Vibrio cholerae</i> )	1
Norovirus	salad	Italy		1
	mussels	Italy, Portugal, Netherlands		4

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