

## No. 6 – December 2020

### Ethylene oxide in sesame seed

Ethylene oxide is a colourless, highly flammable gas which kills bacteria and which used to be applied, amongst others, as a fumigant for spices. It is toxic, carcinogenic and not approved in the EU. The maximum residue level (MRL) is 0.05 mg/kg (sum of ethylene oxide and 2-chloroethanol, expressed as ethylene oxide).

In September 2020, a first warning was issued in the EU Rapid Alert System for Food and Feed (RASFF), indicating that this MRL in sesame seed from India was significantly exceeded. Further messages followed.

In order to supervise the import into the European Union, the import controls for sesame seed were extended to ethylene oxide (Implementing Regulation (EU) 2020/1540 of the Commission as of 22 October 2020, Official Journal L 353, page 4; <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R1540&from=EN>).

### Modifications regarding pesticides

■ Non-renewal of the approval: for pesticides with the active agents fenamiphos, bromoxynil, benalaxyl and thiophanate-methyl, the approval was not renewed (Implementing Regulations (EU) 2020/1246, 2020/1276, 2020/1280 and 2020/1498).

■ 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\\_Authorisation\\_ReviewActSub/01\\_ppps\\_authorised/ppp\\_authorised\\_node.html](https://www.bvl.bund.de/EN/Tasks/04_Plant_protection_products/01_ppp_tasks/02_ppp_Authorisation_ReviewActSub/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:

■ Foodborne outbreaks: together with the Robert Koch Institute (RKI), a report on foodborne outbreaks

that were notified in Germany in 2019 was published (in German: [https://www.bvl.bund.de/SharedDocs/Fachmeldungen/01\\_lebensmittel/2020/2020\\_09\\_28\\_Lebensmittelbedingte-Krankheitsausbrueche-2019.html](https://www.bvl.bund.de/SharedDocs/Fachmeldungen/01_lebensmittel/2020/2020_09_28_Lebensmittelbedingte-Krankheitsausbrueche-2019.html)).

■ List of substances "plants", "mushrooms": on 29 September 2020, the BVL published new so-called "Stofflisten" (lists of substances) of the Federal Government and the Federal States. These are supposed to serve as an orientation aid and provide a short, scientifically precise overview of the substances for which the use in foods is recommended, not recommended or recommended only with restrictions (in German: [https://www.bvl.bund.de/DE/Arbeitsbereiche/01\\_Lebensmittel/01\\_Aufgaben/07\\_Stofflisten/lm\\_stofflisten\\_node.html](https://www.bvl.bund.de/DE/Arbeitsbereiche/01_Lebensmittel/01_Aufgaben/07_Stofflisten/lm_stofflisten_node.html)).

■ Veterinary drugs: in a specialist note on 18 September 2020, the BVL released the publication of the announcement regarding the approval of veterinary drugs and other official acts dated 27 August 2020 in the Federal Gazette (in German: [https://www.bvl.bund.de/SharedDocs/Fachmeldungen/05\\_tierarzneimittel/2020/2020\\_09\\_18\\_Fa\\_Bekanntmachung\\_Zulassung\\_TA.html](https://www.bvl.bund.de/SharedDocs/Fachmeldungen/05_tierarzneimittel/2020/2020_09_18_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:

■ Mineral water with a low mineral content: only few scientific studies are currently available regarding mineral water, whose mineral content (calculated as solid residue) does not exceed 50 mg/L. However, the BfR assumes that, usually, the long-term use as a beverage has no undesirable health effects. It is recommended to certain consumer groups (e.g. persons with lactose intolerance, fasting persons, pregnant women etc.) as well as sportspersons to pay attention to their daily overall intake of certain essential minerals or not to use such mineral waters as their sole fluid replacement during longer-lasting physical activities (Statement No. 041/2020 dated 14 September 2020; in German: <https://www.bfr.bund.de/cm/343/sehr-niedrig-mineralisiertes-mineralwasser-gesundheitlich-bewertet.pdf>).

■ African swine fever (ASF): in press release 29/2020 dated 11 September 2020, the BfR revealed that no health risk emanates from the direct contact with diseased animals or from the consumption of foods that derive from infected animals. In addition, questions and answers regarding ASF were published

(Press release: <https://www.bfr.bund.de/en/press-information/2020/29/african-swine-fever-no-risk-to-consumers-255142.html>;

FAQ: <https://www.bfr.bund.de/en/frequently-asked-questions-about-african-swine-fever-asf-205379.html>).

■ Per- and polyfluoroalkyl substances (PFAS): on 18 September, the BfR reported on a new statement of the European Food Safety Authority (EFSA) which is still being checked by the BfR (Communication No. 042/2020; <https://www.bfr.bund.de/cm/349/per-and-polyfluoroalkyl-substances-pfas-new-opinion-from-the-european-food-safety-authority.pdf>).

The BfR then published a catalogue of questions and answers on 21 September 2020 (<https://www.bfr.bund.de/en/frequently-asked-questions-about-per-and-polyfluoroalkyl-substances-pfas-244188.html>).

■ Listeria: in its press information 32/2020 dated 30 September 2020, the BfR reported on the risk of contracting listeriosis through the consumption of foods that are contaminated with listeria (here: raw, cured and pickled fishery products) (<https://www.bfr.bund.de/en/press-information/2020/32/invisible-threat-at-listeria-in-smoked-fish-256818.html>). It includes a reference to the information sheet "Prevention of foodborne infections with listeria" that was published in 2017 (in German: <https://www.bfr.bund.de/cm/350/verbrauchertipps-schutz-vor-lebensmittelinfektionen-mit-listerien.pdf>).

■ *Bacillus (B.) cereus* bacteria: according to the BfR, it can be assumed that all the bacteria of the *B. cereus* group can form toxins which, in turn, can cause gastrointestinal illnesses. In order to impede the germination of spores and, with it, the reproduction of the bacteria, conventional heat treatments (e.g. boiling, pasteurisation) do not suffice. A heat treatment of at least 70°C for two minutes of all the spots of the food and subsequent rapid cooling (max. 7°C) or heat maintenance (at least 60°C at all spots) are required in order to prevent the spores from germinating (updated Statement No. 048/2020 dated 30 October 2020; in German:

<https://www.bfr.bund.de/cm/343/bacillus-cereus-bakterien-in-lebensmitteln-koennen-magen-darm-erkrankungen-verursachen.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>).

## Sentences

■ ECJ – Admissibility of national regulations regarding the indication of the origin: with its sentence as of

1 October 2020 (C485/18), the European Court of Justice (ECJ) decided that national provisions concerning the obligatory indication of the country or point of origin of milk are only admissible under certain conditions. Among other things, there must be an objectively demonstrable connection between certain qualities of the food and its origin or provenance (Press release No. 120/20: [https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200120\\_en.pdf](https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200120_en.pdf)).

■ Sparkling wine – indication "Italian Rosé": if the grapes that are harvested in Italy are also processed to raw wine in Italy, a sparkling wine may be advertised with the indication "Italian Rosé" even if further processing into sparkling wine takes place in Spain (Higher Regional Court of Frankfurt, Sentence dated 11 September 2020, Ref. No.: 6 W 95/20; in German: <https://openjur.de/u/2298950.html>).

■ Differentiation food – cleaning agent ("dual-use"): a vinegar product whose predominant purpose is as a cleaning agent but which can also be used as food is nevertheless subject to the Biocides Regulation (Higher Regional Court of Frankfurt, Sentence dated 31 August 2020, Ref. No. 6 W 85/20; in German: <https://www.rv.hessenrecht.hessen.de/bshe/docuement/LARE200001455>).

## Miscellaneous

■ Nutri-score – extended nutrition labelling: the use of the nutri-score is officially admissible in Germany now. On 5 November 2020, the first regulation for the modification of the Food Information Implementing Regulation („Erste Verordnung zur Änderung der Lebensmittelinformations-Durchführungsverordnung“) was published (Federal Law Gazette I, 5 November 2020, page 2266; in German: [http://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger\\_BGBL&jumpTo=bgbl120s2266.pdf](http://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBL&jumpTo=bgbl120s2266.pdf)).

On 30 October 2020, an updated questions and answers paper as well as updated calculation tables (in French and English, respectively) regarding the nutri-score were published on the website of the Santé Publique (<https://www.santepubliquefrance.fr/determinants-de-sante/nutrition-et-activite-physique/articles/nutri-score>).

■ PAH maximum levels: Regulation (EC) No. 1881/2006 was modified by Regulation (EU) 2020/1255 with regard to the maximum levels of polycyclic aromatic hydrocarbons (PAH) (Official Journal L 293 dated 8 September 2020, page 1; <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1605113870375&uri=CELEX%3A32020R1255>).

■ Maximum levels – 3-MCPD, 3-MCPD fatty acid esters, glycidyl fatty acid esters: with Regulation (EU) 2020/1322 dated 23 September 2020, Regulation (EC) No. 1881/2006 was modified. Maximum levels of 3-monochloropropanediol (3-MCPD), 3-MCPD fatty acid esters and glycidyl fatty acid esters in certain foods were defined (Official Journal L 310 dated 24 September 2020, page 2; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R1322>).

■ Additives – modifications regarding ascorbic acid (E 300) and citric acid (E 330): due to Regulation (EU) 2020/1419 dated 7 October 2020, ascorbic acid and citric acid may also be used for white vegetables that are intended for further processing including heat treatment prior to consumption (Official Journal L 326 dated 8 October 2020, page 11; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R1419&qid=1605115318984>).

■ Guidelines on meat and meat products: on 29 October, a modification of the guidelines for meat

and meat products was announced (Federal Gazette AT 29 October 2020 B4, page 1; in German: <https://www.bundesanzeiger.de/pub/publication/LT0qRf0KXYoi0jKEz56/content/LT0qRf0KXYoi0jKEz56/BAnz%20AT%2029.10.2020%20B4.pdf?inline>). The modifications concern several definitions in Section I (e.g. "entrails") and, correspondingly, several wordings regarding the primary materials in Section II.

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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 16 September 2020 and 16 November 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: 61	figs, hazelnuts, pistachios, peanuts, almonds, Brazil nuts, watermelon seeds (including products)			52
	chillies, chili powder	Sri Lanka, India, Ethiopia	B1: up 27.5 µg/kg; total: up 78.8 µg/kg	6
	fish masala spice mix	Pakistan	B1: 13.8 µg/kg; total: 15.1 µg/kg	1
	organic brown basmati rice	Pakistan	B1: 14.3 µg/kg; total: 15.4 µg/kg	1
	milk	Italy	total: 0.214 µg/kg	1
Ochratoxin A	date syrup, figs	Sweden (produced Netherlands), Turkey	up 28 µg/kg	2
	basmati rice	India	6.23 µg/kg	1
	sweet paprika	Hungary	36.2 µg/kg	1
Patulin	apple juice	Netherlands	200 µg/kg	1
<b>Heavy Metals / Other Metals</b>				
Lead	organic ginger root	Peru	0.16 mg/kg	1
	chamois meat salami, raw sausage	Italy (raw mat. Slovakia), Germany	up 4.32 mg/kg	2
Cadmium	frozen/cooked squid, squid tentacles	Argentina, Thailand	up 3.2 mg/kg	3
Quecksilber	fish / fish products	Egypt, Spain, Mozambique, Seychelles, Guyana, Italy (raw mat. Indonesia, Spain), France (partly raw mat. Spain), Portugal (raw mat. Spain)	up 3.67 mg/kg	21
Boron	mineral water	Turkey	5 mg/l	1

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Other Contaminants / Residues</b>				
Ethylene oxide	sesame seeds, sesame seeds mixes	India; Netherlands, Italy, Spain and Belgium with raw mat. India; Netherlands, Germany, France, unknown	up 15 mg/kg	137
	bakery products, baking mixes, decorations, cereal products, muesli	Netherlands, India, France, Belgium, USA, Spain, Germany	up 30.1 mg/kg (in sesame seeds)	28
	sesame chocolate	France		2
	Thai spice mix, Thai mix	unknown, Belgium	1.4 mg/kg (in sesame seeds)	2
	tahini, hummus, sesame seeds used in salads	Netherlands, UK, Spain	up 1.7 mg/kg (Tahini)	4
	frozen prepared dishes and bakery products	France		1
Epoxidised soybean oil (ESBO)	glass jars containing canned tuna	France	120 mg/kg	1
Benzo(a)pyrene, PAH	pork sausages with veal	Poland	Benzo(a)pyrene: 5.5 µg/kg; PAH: 39.1 µg/kg	1
Dioxins	beef	Japan	4.9 pg WHO TEQ/g	1
Mineral oil	candies	USA		1
Tropane alkaloids (Atropine, Scopolamine)	peppermint	Turkey	Atropine: 26.8 µg/kg; Scopolamine: 39.9 µg/kg	1
Morphine	poppy seeds	Germany, Poland		2
Histamine	fish / fish products	Vietnam, Poland, Sri Lanka	up 811 mg/kg	3
Chlorate	frozen pangasius fillet	Vietnam	58 mg/kg	1
Cyanide	apricot kernels	Turkey	41 mg/kg	1
	cassava flour	unknown (packaged UK), Nigeria	up 68.4 mg/kg	2
	shredded linseed	Germany	245 mg/kg	1
Nitrite	mineral water	Italy	0.048 mg/l	1
<b>Pharmacological Active Substances</b>				
Aloin	organic aloe vera leaves	France	400 mg/kg	1
Anthraquinone	green tea	UK	0.054 mg/kg	1
Beta-Alanine	energy drink	Germany		1
Dienedione (4,9-Estradien-3,17-dione)	food supplement	USA		1
Dimethylethanolamin / Dimethylaminoethanol (DMEA /DMAE)	food supplement	USA, Czech Republic, UK		3
Cannabidiol (CBD)	CBD oil	Netherlands		2
	hemp oil, hemp powder, hemp products	Austria, Germany, unknown (online)		3

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Other Contaminants / Residues</b>				
	food supplement	USA, Slovenia, Netherlands, unknown (online)		4
	sparkling water	France		1
Tetrahydrocannabinol (THC)	CBD oil	Netherlands, Austria	up 1,348 mg/kg	3
	food supplement	unknown (online)		1
Leucomalachite green	black tiger shrimps	Bangladesh	2.47 µg/kg	1
Melatonin	food supplement	USA		1
Morphine	poppy seeds	Germany, Poland	up 40.59 mg/kg	2
Ofloxacin	red tilapia	Vietnam	6 µg/kg	1
Tetracyclines	duck meat	Bulgaria	680 µg/kg (chlortetracycline)	1
Sildenafil	food supplement	China	40 mg/kg	1
Syneprine	food supplement	UK	2,000 mg/kg	1
Tadalafil	food supplement	China	40 mg/kg	1
Yohimbine	food supplement	unknown, USA	888 mg/kg	4
<b>Unauthorised Colours</b>				
Rhodamine B	coloured rice noodles	Nepal		1
Orange II	dried chili pepper, ground pepper	Cameroon, Nigeria		2
Sudan I, III, IV	palm oil	Senegal		1
<b>Miscellaneous</b>				
Parasitic infestation	oysters	France		1
Pyrrolizidine alkaloids (PA)	cumin	Turkey	24,249 µg/kg	1
Unauthorised irradiation	frozen catfish	Vietnam		1
	food supplement	India		1
GMO, not authorised	rice noodles	China		3
Foodborne disease outbreak	dry sausage	France		1
<b>Pathogenic Germs</b>				
Salmonella total: 113	meat / meat products (including poultry)			92
	shrimps	Netherlands		1
	egg yolk powder	Ukraine		1
	cheese, raw milk cheese	Italy, France		2
	coconut	Mozambique, India		2
	black pepper, paprika, thyme	Brazil, China, Turkey		9
	sesame seeds, tahini	Indian, Egypt		3
	Devil's claw root powder, dried fenugreek leaves	Germany, United Arab Emirates (raw mat. India)		2
	frozen dumplings with chicken and cheese	Latvia		1

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Other Contaminants / Residues</b>				
<i>Listeria monocytogenes</i>	meat / meat products (including poultry)	France, Germany, Poland, Estonia, Romania, Belgium, Lithuania		15
	fish / fish products	Poland, Netherlands, Latvia, Iceland, Lithuania (partly raw mat. Estonia)		11
	shrimps	Belgium		1
	raw milk goat`s cheese, goat`s cheese, gorgonzola, ricotta, cheese	Belgium, Netherlands, Italy, France		9
	Thai couscous wrap, pasta salad	Austria, UK		2
Shigatoxin-producing E.coli (STEC)	hamburgers, beef burger, beef, beef sausages	Netherlands, Lithuania, Brazil		5
	raw milk cheese, cheese	France, Italy		3
	dried fenugreek leaves	United Arab Emirates (raw mat. India)		1
<i>Bacillus cereus</i>	cocoa powder for children	unknown via Germany		1
Norovirus	Frozen razor clams ( <i>Ensis directus</i> )	Netherlands		1

Created:  
Susanne Ermert-Knauf  
Eurofins Analytik GmbH  
Neuländer Kamp 1  
D-21079 Hamburg

Phone +49-40-49294-1741  
[SusanneErmert-Knauf@eurofins.de](mailto:SusanneErmert-Knauf@eurofins.de)

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