

# Food Legislation News

No. 6 – December 2021

## Statements of the ALTS

Amongst others, the working group of experts (ALTS) that deals with the field of food hygiene and food of animal origin made the following decisions at its 87th working conference:

### Representation form of the nutrition declaration:

Whether or not there is enough space for the representation of the nutritional values in tabular form is oriented to the actually available space on the packaging and not to the size of the label (Decision 2021/87/04).

### Quantitative ingredient declaration (QUID) for the meat component in convenience foods:

The time of use is relevant for the QUID of meat components. For a meat component that was pre-cooked prior to the addition, the quantity indication also needs to refer to the pre-cooked component (Decision 2021/87/05).

### Legal classification of protein supplements:

The legal classification of the use of foreign proteins in meat and meat products is explained in detail. Moreover, the publication contains a decision tree to facilitate the assessment (Decision 2021/87/15).

### Assessment of the colourant content in salmon substitute:

The maximum amount for the colourants E 110 and E 124 refers to the fish content in coloured products of salted pollack or salted Alaska pollack in edible vegetable oils (Decision 2021/87/17).

### Nitrate-containing "vegetable extracts" and/or "fruit extracts"

Nitrate/nitrite-containing "extracts", which are applied for technological purposes for the preparation of meat products and cold meats, are subject to the food additives regulations. It is referred to various sentences in this context. (Decision 2021/87/20).

### Designation of merged raw cured products:

The labelling must be analogous to boiled ham (Decision 2021/87/21).

### The term "edible casing":

"Edible casing" alone is not a sufficient designation. Additives that are contained in so-called "edible casings" need to be specified in the list of ingredients according to the provisions of Regulation (EU) No. 1169/2011 (LMIV) (Decision 2021/87/24).

#### Reference to liquid seasoning:

Even without any detectable added water, the use of liquid seasoning for cooked products must be indicated as a special treatment (Decision 2021/87/25).

#### Commercial usage of ready to cook poultry meat products with liquid seasoning:

Ready to cook poultry meat products (e.g. "schnitzel", "(breast) filet" or the like), where the addition of water is indicated, do not contain more than 12% of liquid seasoning (Decision 2021/87/26).

#### Designation "milk preparation":

A composed ingredient, consisting, amongst others, of skimmed milk and vegetable oil, must not be indicated as "milk preparation" in the list of ingredients (Decision 2021/87/28).

#### Note:

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

At [https://www.bvl.bund.de/DE/Arbeitsbereiche/01\\_Lebensmittel/01\\_Aufgaben/02\\_AmtlicheLebensmittelueberwachung/13\\_ALTS/lm\\_ALTS\\_node.html](https://www.bvl.bund.de/DE/Arbeitsbereiche/01_Lebensmittel/01_Aufgaben/02_AmtlicheLebensmittelueberwachung/13_ALTS/lm_ALTS_node.html) you can find further details, a current overview of the statements, the statements of the respective current session as well as the archive (in German).

## News from the BfR

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

#### Ethylene oxide/2-chloroethanol:

Ethylene oxide residues in sesame seeds were re-evaluated by the BfR with regard to health (updated Statement No. 024/2021 dated 1 September 2021). According to the test results of the supervisory authorities, it was shown that, in the examined sesame samples, ethylene oxide was almost completely converted into 2-chloroethanol. Subsequent to the investigation of further documents regarding 2-chloroethanol, the BfR maintains its recommendation, namely to assess the genotoxicity and carcinogenicity of 2-chloroethanol according to the corresponding criteria of ethylene oxide, until the toxicological potential has been finally clarified (<https://www.bfr.bund.de/cm/349/health-risk-assessment-of-ethylene-oxide-residues-in-sesame-seeds.pdf>).

#### Detection of additives and flavours:

At the BfR, the new national reference laboratory for food additives and flavourings was set up. The latter develops analytical methods and participates in the standardisation of these (Press Information 39/2021 dated 15 September 2021, [https://www.bfr.bund.de/en/press\\_information/2021/39/improved\\_detection\\_of\\_food\\_additives\\_and\\_flavourings-283329.html](https://www.bfr.bund.de/en/press_information/2021/39/improved_detection_of_food_additives_and_flavourings-283329.html)).

#### Nanomaterials:

The BfR compiled selected questions and answers regarding nanomaterials (FAQ dated 18 October 2021, in German: [https://www.bfr.bund.de/de/fragen\\_und\\_antworten\\_zu\\_nanomaterialien-8552.html](https://www.bfr.bund.de/de/fragen_und_antworten_zu_nanomaterialien-8552.html)).

#### COVID-19 - FAQ:

The BfR continuously updates the questions and answers regarding the novel coronavirus SARS-CoV-2 ([https://www.bfr.bund.de/en/can\\_the\\_new\\_type\\_of\\_coronavirus\\_be\\_transmitted\\_via\\_food\\_and\\_objects\\_-244090.html](https://www.bfr.bund.de/en/can_the_new_type_of_coronavirus_be_transmitted_via_food_and_objects_-244090.html)).

## Modifications regarding pesticides

### Maximum residue levels (MRL):

The MRL of the following pesticide active agents were modified through the Regulations (EU) 2021/1531, 2021/1795, 2021/1804, 2021/1807, 2021/1810, 2021/1841, 2021/1842, 2021/1864 and 2021/1881:

Acibenzolar-s-methyl, aclonifen, acrinathrin, aminopyralid, amisulbrom, azoxystrobin, *Bacillus pumilus* QST 2808, bentazone, 6-benzyladenine, clopyralid, cyflufenamid, cyprodinil, difluoroacetic acid, ethirimol, flubendiamide, fludioxonil, fluopyram, flupyradifurone, fosetyl, imidacloprid, meptyldinocap, metaflumizone, metazachlor, oxathiapiprolin, penthiopyrad, picloram, propineb, *Pseudomonas sp.* strain DSMZ 13134, tebufenozide, terbutylazin, thiabendazole and an aqueous extract from germinated seeds of the sweet lupin *Lupinus albus*.

Through Regulation (EU) 2021/1771, dated 7 October 2021, the transition period for radish leaves was prolonged. Accordingly, the MRL that were defined for green cabbages will apply to radish leaves only from 1 January 2025 (Official Journal L 356 dated 8 October 2021, Page 30; <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1771&from=DE>).

### 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 obtained 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)).

## Other publications of the BVL

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

### Classification of synephrine-containing products:

In their statement dated 27 September 2021, the joint expert commission of the BVL and the BfArM (Federal Institute for Drugs and Medical Devices) concluded that no more than a total of 21 mg of the plant constituent synephrine should be consumed per day via foods including food supplements. For food supplements via which already 21 mg synephrine are taken in per day according to the recommended daily consumption, it is advised to mention on the label that no other synephrine-containing foods should be consumed (in German: [https://www.bvl.bund.de/SharedDocs/Fachmeldung/01\\_lebensmittel/2021/2021\\_09\\_27\\_Expertenkommission\\_Synephrin.html](https://www.bvl.bund.de/SharedDocs/Fachmeldung/01_lebensmittel/2021/2021_09_27_Expertenkommission_Synephrin.html)).

### Uncultivated mushrooms affected by radiation:

Wild-growing mushrooms still show higher levels of contamination with the radioactive caesium-137 than agricultural products. However, none of the examined samples exceeded the limit value of 600 Bq/kg (in German: [https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01\\_lebensmittel/2021/2021\\_PM\\_Waldpilze\\_belastet.html](https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01_lebensmittel/2021/2021_PM_Waldpilze_belastet.html)).

### Veterinary drugs:

The BVL published the announcements regarding the approval of veterinary drugs and other official acts (in German):

- Announcement dated 8 September 2021 (Federal Gazette AT 6 October 2021 B8):  
[https://www.bvl.bund.de/SharedDocs/Downloads/05\\_Tierarzneimittel/Bekanntmachungen/2021\\_10\\_06\\_Bekanntmachung\\_BAnz.pdf?\\_\\_blob=publicationFile&v=2](https://www.bvl.bund.de/SharedDocs/Downloads/05_Tierarzneimittel/Bekanntmachungen/2021_10_06_Bekanntmachung_BAnz.pdf?__blob=publicationFile&v=2)
- Announcement dated 8 September 2021 (Federal Gazette AT 6 October 2021 B9):  
[https://www.bvl.bund.de/SharedDocs/Downloads/05\\_Tierarzneimittel/Bekanntmachungen/2021\\_10\\_06\\_Bekanntmachung\\_BAnz\\_2.pdf?\\_\\_blob=publicationFile&v=2](https://www.bvl.bund.de/SharedDocs/Downloads/05_Tierarzneimittel/Bekanntmachungen/2021_10_06_Bekanntmachung_BAnz_2.pdf?__blob=publicationFile&v=2)
- Announcement dated 17 September 2021 (Federal Gazette AT 15 October 2021 B6):  
[https://www.bvl.bund.de/SharedDocs/Downloads/05\\_Tierarzneimittel/Bekanntmachungen/2021\\_10\\_15\\_Bekanntmachung\\_BAnz.pdf?\\_\\_blob=publicationFile&v=3](https://www.bvl.bund.de/SharedDocs/Downloads/05_Tierarzneimittel/Bekanntmachungen/2021_10_15_Bekanntmachung_BAnz.pdf?__blob=publicationFile&v=3)

## Sentence

### Reuse of egg boxes is inadmissible:

On 9 July 2021, the Administrative Court of Regensburg decided that the delivery of eggs in re-used egg boxes made of cardboard is inadmissible for hygienic reasons. Furthermore, the labelling of packaging that is offered in the self-service refrigerator must correspond to the provisions of Regulation (EC) 1169/2011 (LMIV) (Ref. RN 5 S 21.1011; in German: <https://www.gesetze-bayern.de/Content/Document/Y-300-Z-BECKRS-B-2021-N-18549?hl=true>).

## Miscellaneous

### Flavourings Implementing Regulation (AromenDV):

On 26 October 2021, the regulation for the adaptation of the national legislation to European Union law on flavourings and flavouring-containing foods was published in the Federal Law Gazette. Amongst others, the use of flavourings in foods for infants was prohibited. Moreover, the labelling provisions for quinine-containing drinks and flavourings as well as for ammonium chloride-containing liquorice products were modified, and the use of smoke was adapted (Federal Law Gazette I dated 26 October 2021, P. 4723; in German: [https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger\\_BGBI&start=//\[\\*\]@attr\\_id=%27bgbl121s4723.pdf%27\]#\\_bgbl\\_%2F%2F\\*%5B%40attr\\_id%3D%27bgbl121s4723.pdf%27%5D\\_1637166854734](https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBI&start=//[*]@attr_id=%27bgbl121s4723.pdf%27]#_bgbl_%2F%2F*%5B%40attr_id%3D%27bgbl121s4723.pdf%27%5D_1637166854734)).

### Mineral oil – orientation values for mineral oil hydrocarbons (MOH) in foods:

The Food Federation Germany (Lebensmittelverband Deutschland e.V.) updated and extended the MOH orientation values, which were developed together with representatives of the Consumer Protection Consortium of the Federal States (LAV) / working group on foodstuffs and consumer goods, wine and cosmetics (ALB) (<https://www.lebensmittelverband.de/de/aktuell/20190502-veroeffentlichung-moh-orientierungswerte> (in German, pdf in English)).

**Last update:** 1 November 2021

## EC Alert Notifications

Following are notifications chosen from the European Rapid Alert System for Food and Feed. Considered were alerts for food, information and border rejections which arrived **between 14 September and 5 November 2021**.

Source:

[https://www.bvl.bund.de/DE/Arbeitsbereiche/01\\_Lebensmittel/01\\_Aufgaben/04\\_Warn\\_und\\_Informationssysteme/00\\_Warn\\_und\\_Informationssysteme/01\\_RASFF/021\\_aktuelle\\_rasff\\_meldungen/aktuelle\\_meldungen\\_lm\\_box.html](https://www.bvl.bund.de/DE/Arbeitsbereiche/01_Lebensmittel/01_Aufgaben/04_Warn_und_Informationssysteme/00_Warn_und_Informationssysteme/01_RASFF/021_aktuelle_rasff_meldungen/aktuelle_meldungen_lm_box.html) (in German)

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Mycotoxins</b>				
Aflatoxins total: 51	figs, hazelnuts, almonds, pistachios, peanuts, melon kernels (including products)			45
	organic turmeric powder	UK		1
	various spices	Pakistan	B1: 8 µg/kg	1
	maize	France	B1: up 8.4 µg/kg; total: up 9.5 µg/kg	2
	nutmeg	Sri Lanka, Indonesia	B1: 38 µg/kg; total: 52 µg/kg	2
Ochratoxin A	paprika powder	Spain	up 27.7 µg/kg	1
	soluble coffee	India	16.14 µg/kg	1
	pistachios	Iran	49.0 µg/kg	1
Patulin	organic apple juice	Germany	285 µg/l	1
<b>Heavy Metals / Other Metals</b>				
Lead	succinic acid	China		1
	mullet	Italy	0.68 mg/kg dry matter	1
	food supplement	France	7.10 mg/kg	1
	diatomaceous earth	Czech Republic (raw mat. Iceland)	4 mg/kg	1
	wine	North Macedonia		1
	wild boar meat	Croatia	3.7 mg/kg	1
	porridge	Czech Republic	5.2 mg/kg	1
Cadmium	squid	Spain, Thailand, Falkland Islands	up 6.7 mg/kg	3
	horse liver	Romania	up 3.6 mg/kg	1
	sweet pepper	Spain	0.038 mg/kg	1
Mercury	fish / fish products	Spain, South Korea, Yemen, France, Sri Lanka	up 2.96 mg/kg	11
	food supplement	USA	0.95 mg/kg	1
Aluminium	diatomaceous earth	Czech Republic (raw mat. Iceland, Germany)	up 19,507 mg/kg	2
Boron	mineral water	Germany	4.68 mg/l	1

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Other Contaminants / Residues</b>				
Ascorbic acid	thawed tuna fillets	Spain	up 1,370 mg/kg	16
Ethylene oxide, 2-Chloroethanol total: 73	capsules for medicines and food supplements	China, Germany		2
	calcium carbonate	USA, Italy, India		3
	food supplement	Netherlands, Switzerland, France, Denmark, Germany, Sweden		9
	xanthan, stabiliser, locust bean gum, mixture of guar gum and locust bean gum	China, Germany, Austria, Spain, Turkey, Italy, unknown		19
	spices, spice mixtures, various food extracts	India, Philippines, China, unknown		9
	ashwaganda powder / ashwaganda extract, boswellia extract, organic bamboo extract, stinging nettle root extract, colored nettle extract, Garcinia cambogia extract	India, China		9
	sesame seeds, tahini	India, Nigeria, Greece		7
	psyllium husks	India, Germany		2
	puffed rice, Stevia leaves powder, organic lentils	India, China, Germany		3
	cream (18 % fat), fruit desserts, gazpacho, snacks, chicken curry, hummus, sauces, instant noodle soup	France, Germany, Spain, Austria, Sweden, Serbia, Belgium, Ukraine		10
Bromide	basmati rice	India	up 140 mg/kg	1
Perchlorate	green beans	Belgium	0.098 mg/kg	1
Mikrocrystalline wax (E 905)	yucca	Costa Rica		1
Benzo(a)pyrene, PAH	cocoa powder	China	Benzo(a)pyrene: 42.7 µg/kg; PAH: 233.3 µg/kg	1
	smoked sardines	Senegal	Benzo(a)pyrene: 5.2 µg/kg; PAH: 28 µg/kg	1
Mineral oil	raisins	Iran		1
3-Monochlor-1,2-propanediol (3-MCPD)	food supplement	Netherlands	up 8.45 mg/kg	1
	vegetable ghee	Syria	2,925 µg/kg	1
Glycidyl esters	bakery products	Sri Lanka	2,168 µg/kg	1
	food supplement	Netherlands	3.08 mg/kg	1
	vegetable ghee	Syria	1,971 µg/kg	1
	palm oil	Malaysia	10,000 µg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
Ergot alkaloids ( <i>Caviceps purpurea</i> )	whole grain spelt spaghetti	Germany		1
Shellfish poisoning toxins (DSP)	mussels	Spain		1
Pyrrolizidine alkaloids (PA)	oregano, cumin seeds	Turkey	up 9,474 µg/kg	2
Histamine	fish / fish products	Morocco, Netherlands	up 800 mg/kg	2
Hydrocyanic acid	aprikot kernels	Turkey, Germany	up 3,556 mg/kg	2
Iodine	dried seaweed	China	2,830 mg/kg	1
Nitrate	spinach	Italy	up 4,513.4 mg/kg	3
<b>Pharmacological Active Substances</b>				
Cannabidiol (CBD)	CBD oil, food supplement	Switzerland, Italy, Netherlands, unknown		5
Tetrahydrocannabinol (THC)	CBD oil	Netherlands, Switzerland, Italy	up 2,410 mg/kg	6
Amoxicillin	pork	Poland	3,141 µg/kg	1
Decoquinate	eggs	Poland	53.8 µg/kg	1
Dexamethasone	bovine liver	Italy	110 µg/kg	1
Dihydrostreptomycin	acacia honey	China, Romania	267 µg/kg	1
Maduramycin	pork meat and meat products	Poland	999.0 µg/kg	1
Tetracyclines	beef	France	Oxytetracyclin: 207 µg/kg	1
Sildenafil	food supplement	UK		1
Tadalafil	food supplement	UK		1
Yohimbine	food supplement	USA		1
<b>Unauthorised Colours</b>				
Para red, Toluidine red	chili oil	UK		1
Sudan IV	palm oil	Ghana		2
<b>Miscellaneous</b>				
Parasitic infestation with Anisakis	fish	Spain, Morocco		3
Foodborne disease outbreak	mackerels	Sweden		1
	cucumber salad	France (raw mat. Belgium)		1
<b>Pathogenic Germs</b>				
Salmonella total: 104	meat / meat products (including poultry)			70
	mussels	France, Spain		2
	eggs	Denmark, Poland		2
	buffalo mozzarella	Italy		1
	cereal-based foods for infants and young children	Czech Republic		1
	black pepper	Brazil		11
	basil, spearmint leaves, mexican pimento, organic horsetail	Egypt, Mexico, Ukraine		4

Reason for Notifying	Product	Country of Origin	Notes	Number
	sesame seeds, sesame products	Ethiopia, Syria, Nigeria, Greece, Turkey		8
	groundnut flour, hazelnuts, coconut pieces	Germany, Spain, Italy (raw mat. Cote d'Ivoire)		4
	food supplement	India		1
<i>Listeria monocytogenes</i>	meat / meat products (including poultry)	Belgium, Spain, Netherlands, Poland, France, Italy		9
	fish / fish products	Serbia, France, Poland, Latvia, Croatia		8
	cheese, raw milk goat cheese, cheese and baking mix for pizza	France, Czech Republic, Netherlands		4
	egg mayo sandwich, egg rolls, pancakes, mushrooms	Ireland, France, Belgium, China		4
Shigatoxin producing E.coli (STEC)	minced beef, beef	Finland, Brazil, Uruguay		4
	herb mix, romaine lettuce, tuna salad	Germany, Netherlands		3
	puff pastry	Austria		1
	raw milk cheese, raw milk goat cheese	France		4
<i>Bacillus cereus</i>	cinnamon, organic spice mix	Vietnam, Germany		2
<i>Clostridium spp.</i>	salted sheep casings	Iran		1
<i>Vibrio parahaemolyticus</i>	mussels	Spain (processed Italy)		1
Campylobacter	chicken fillets	Poland		1
Staphylococci	raw sausage, chilled noodles with eggs	Italy, Slovakia		2
Hepatitis A virus	mussels	Italy		1
Norovirus	mussels	Italy		1
	iceberg lettuce	Netherlands		1

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