

Food Legislation News

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Salmonella in baby food and chocolate

Warning against baby food from the US:

In their press release dated 25 March 2022, the Federal Office of Consumer Protection and Food Safety (Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL)) advised against the consumption of baby food in powder form of a specific brand from the US. Contamination with salmonella and *Cronobacter sakazakii* could not be excluded (in German: https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01_lebensmittel/2022/2022_03_25_PM_LMWarnung.html).

Already in their updated Statement No. 009/2022 dated 20 March 2022, the German Federal Institute for Risk Assessment (Bundesinstitut für Risikobewertung (BfR)) made recommendations regarding the hygienic preparation of powdered baby food (in German: <https://www.bfr.bund.de/cm/343/empfehlungen-zur-hygienischen-zubereitung-pulverfoermiger-saeuglingsnahrung.pdf>).

Salmonella in "kinder" products of the Ferrero company:

The BVL is continuously updating the information regarding the recall of "kinder" products of the Ferrero company. In several countries, gastrointestinal diseases occurred after the consumption of sweets of the brand "kinder" due to salmonella (in German: https://www.bvl.bund.de/SharedDocs/Fokusmeldungen/01_lebensmittel/2022/2022_04_Salmonellen-Schokoladenprodukte.html).

The BfR compiled information on the subject of salmonella in chocolate (Communication No. 010/2022 dated 12 April 2022, <https://www.bfr.bund.de/cm/349/salmonella-and-chocolate.pdf>).

Further news from the BfR

The German Federal Institute for Risk Assessment (BfR) published, among others, the following:

Ciguatoxins in sea fish:

The BfR is able to safely detect intoxications with ciguatoxins through the combination of different test methods (Press Release 11/2022 dated 23 March 2022, https://www.bfr.bund.de/en/press_information/2022/11/ciguatoxins_in_marine_water_fish_sophisticated_testing_strategy_enables_the_detection_of_fish_poisoning_toxins-294299.html).

Bacterial food infections through vibrios:

Vibrio spp. (non-cholera vibrios) are often the cause of the bacterial contamination of marine animals, fish and fish products ("seafood"). Due to rising sea water temperatures worldwide, vibrios may increasingly spread and, therefore, according to the BfR, there may be an increase in such infections in the future.

Hence, the BfR recommends ensuring that, during the preparation of seafood, the latter is sufficiently heated (inside temperature at least 70°C for 2 minutes) and that general hygiene rules are observed (Statement No. 011/2022 dated 13 April 2022, in German: <https://www.bfr.bund.de/cm/343/bakterielle-lebensmittelinfektionen-durch-vibrionen-gesundheitliche-bewertung-zum-vorkommen-von-vibrio-spp-in-Lebensmitteln.pdf>).

Intoxications through wild garlic “doppelgangers”:

In their Press Release 08/2022 dated 17 March, the BfR points to the fact that, when collecting wild garlic, it is often confused with poisonous doppelgangers such as lilies of the valley or autumn crocus. As a result, cases of poisoning occur some of which have been fatal. If the plant is not safely known with all of its characteristics, consumption of self-collected wild garlic should be refrained from. Since wild garlic can often be bought from controlled cultivation in the food trade now and, in addition, plants or seeds for home cultivation are available, the BfR recommends using these options (https://www.bfr.bund.de/en/press_information/2022/08/wild_garlic_doppelgangers_often_lead_to_poisoning-293882.html).

EFSA publications

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

High-pressure processing (HPP):

The EFSA assessed the high-pressure processing of foods with regard to effectiveness and safety. According to this, harmful microorganisms are effectively destroyed through the time-pressure combinations that are presented in the expert opinion (<https://www.efsa.europa.eu/en/news/high-pressure-processing-food-safety-without-compromising-quality>).

Nutritional profiles:

On 19 April, the EFSA published an expert opinion dealing with nutritional profiles. According to this, the intake of energy, saturated fatty acids, sodium and added sugar/free sugar is too high in Europe. The reduction of the latter would contribute to combatting chronic, nutrition-related diseases. In contrast, the intake of dietary fibre and potassium is too low as regards the majority of the adult population. An increase would lead to improved health. The expert opinion will serve as an advice for the revision of the EU legislation regarding the information on foods. For further details, please refer to <https://www.efsa.europa.eu/en/news/nutrient-profiling-scientific-advice-eu-farm-fork-initiative>.

Pesticide residues – annual report:

On 30 March 2022, the EFSA published its annual report (2020) on pesticide residues in foods in the European Union (<https://www.efsa.europa.eu/en/news/pesticides-food-latest-report-published>).

Monitoring

The European Union published the following recommendations in the Official Journal:

Furan and alkylfurans:

On 28 March 2022, the Recommendation (EU) 2022/495 “on monitoring the presence of furan and alkylfurans in food” was published in the Official Journal of the European Union (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0495&from=EN>).

Alternaria toxins:

The Recommendation (EU) 2022/553 “on monitoring the presence of Alternaria toxins in food” was published on 6 April 2022 (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0553&qid=1652114190044&from=EN>).

Glycoalkaloids:

On 7 April, the Recommendation (EU) 2022/561 “on monitoring the presence of glycoalkaloids in potatoes and potato-derived products” was published in the Official Journal (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0561&qid=1652114411817&from=EN>).

Modifications regarding pesticides

Maximum residue levels (MRL):

With the regulations (EU) 2022/476 and 2022/566, the MRL of the following pesticide active agents were modified:

Azoxystrobin, benzovindiflupyr, cyantraniliprole, cyflufenamid, emamectin, flutianil, flutolanil and proquinazid.

For acetic acid, lime sulphur and maltodextrin, still no maximum residue level is required.

Pesticides – information from the BVL:

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: https://www.bvl.bund.de/EN/Tasks/04_Plant_protection_products/01_ppp_tasks/02_ppp_AuthorisationReviewActSub/01_ppps_authorised/ppp_authorised_node.html.

Sentences

ECJ – designation of vitamins:

When a vitamin was added to food, the list of ingredients does not need to show the designation of the specifically used vitamin compound. The indication of a designation such as “vitamin A” will suffice. This is the opinion of the European Court of Justice (ECJ), presented in its sentence as of 24 March 2022 (Legal Case C-533/20).

Links:

- Press release No. 51/22:
<https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-03/cp220051en.pdf>,
- Judgement:
<https://curia.europa.eu/juris/document/document.jsf?docid=256467&text=&dir=&doclang=EN&part=1&occ=first&mode=DOC&pageIndex=0&cid=7710193>

Legal protection of the designation – “Skyr”:

According to a sentence of the District Court in Düsseldorf, the designation “SKYR STYLE” must not be used for a vegetable alternative (Sentence dated 25 March 2022, Ref. 38 O 120/19, not legally effective, in German: https://www.wettbewerbszentrale.de/de/aktuelles/_news/?id=3556).

Claims such as “raw vegetarian food quality” for coconut products:

Advertising with indications such as “raw vegetarian food”, “raw vegetarian food quality” or “rawlicious” (rohköstlich) is misleading when the base product (here coconut puree, coconut flakes and coconut flour) was heated up to over 60°C (District Court of Koblenz, Sentence dated 15 March 2022, Ref. 3 HK O 16/22, not legally effective, in German: <https://www.wettbewerbszentrale.de/de/aktuelles/news/?id=3557>).

Health Claims – “immune system”, “defences of the body”:

With a sentence of the District Court of Osnabrück, the owner of a pharmacy was prohibited from advertising with statements such as “immune system” and/or “defences of the body” as category designations for a food supplement, since the Court considers these to be general health-related indications according to Article 10 Section 3 of the Health Claims Regulation (Regulation (EC) No. 1924/2006). However, general health-related indications are only permissible when a permissible special health-related indication is added to them. In this case, this indication was missing (Sentence dated 25 February 2022, Ref. 13 O 24/22, not legally effective, in German: <https://www.wettbewerbszentrale.de/de/aktuelles/news/?id=3560>).

Miscellaneous

Veterinary drug bambermycin in poultry:

With the Implementing Regulation (EU) 2022/634 of the Commission dated 13 April 2022, maximum residue levels were defined for bambermycin in poultry. The regulation came into force on 9 May 2022 and has been valid since (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0634&from=EN>).

Maximum contents of mercury:

The maximum contents for mercury in fish and salt were modified through Regulation (EU) 2022/617. The Regulation came into force on 3 May 2022 and has been valid since. Foods that have been placed lawfully on the market prior to 3 May 2022 may remain on the market until the best-before date or the use-by date will expire (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0617&qid=1652713720948&from=EN>).

Additive specification for sodium diacetate:

With Regulation (EU) 2022/650 dated 20 April 2022, the purity criteria for the additive sodium diacetate (E 262(ii)) were modified. The Regulation came into force on 11 May 2022 (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0650&qid=1652714532821&from=EN>).

Baby food:

On 1 April 2022, the Delegated Regulation (EU) 2022/519 dated 14 January 2022 was published in the Official Journal of the European Union. In this regulation, the protein requirements were stipulated for infant formula and follow-on formula, which is produced from protein hydrolysates. The regulation came into force on 1 April 2022 (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0519&qid=1652715374318&from=EN>).

Last update: 25 April 2022

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 12 March and 5 May 2022**.

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 (in German)

Reason for Notifying	Product	Country of Origin	Notes	Number
Mycotoxins				
Aflatoxins total: 99	figs, hazelnuts, pistachios, peanuts, almonds (including products)			72
	cashews	Vietnam	total: 9.6 µg/kg	1
	nutmeg	Indonesia	B1: 23.5 µg/kg; total: 25.2 µg/kg	1
	ginger	Syria	B1: 11.5 µg/kg; total: 28.5 µg/kg	1
	spice mix masala	Pakistan	B1: 15 µg/kg	1
	basmati reis, basmati brown rice, rice	India, Pakistan	B1: up 24 µg/kg; total: up 26 µg/kg	19
	organic spelt flour	France	B1: 3.7 µg/kg; total: up 11.3 µg/kg	2
	organic dates	Tunisia	B1: 58 µg/kg; total: 62 µg/kg	1
	mulberries	Turkey	B1: 6.2 µg/kg	1
Ochratoxin A	hot red peppers	Turkey	138.45 µg/kg	1
	dried figs	Turkey, Spain	up 157.4 µg/kg	3
	nutmeg	Indonesia	32 µg/kg	1
	raisins	Afghanistan, Uzbekistan	up 68 µg/kg	2
	mulberries	Turkey	34 µg/kg	1
Alternaria toxins	tomato paste	Italy	Alternariol: 40.26 µg/kg	1
T-2 Toxin	organic corn snack for babies	Netherlands	T-2 + HT-2: 26.6 µg/kg	1
Heavy Metals / Other Metals				
Lead	wild boar salami	Spain		1
	organic chips	Vietnam	2.8 mg/kg	1
Cadmium	squid/octopus, mussels, shrimp powder	USA, India, Spain, Morocco	up 7.1 mg/kg	4
	horsemeat, horse organs, horse carcass	Romania	up 10.95 mg/kg	3
	avocado, organic maca powder	Peru		2
	frozen red chili	Vietnam	0.028 mg/kg	1
	mung beans	Uzbekistan	0.1 mg/kg	1
Mercury	fish/fish products	Indonesia, Spain, Vietnam, Tunisia, Morocco	up 2.20 mg/kg	10

Reason for Notifying	Product	Country of Origin	Notes	Number
Other Contaminants / Residues				
Ethylene oxide, 2-Chloroethanol	cinnamon, cloves, organic turmeric powder, spice mix, kaffir leaves powder	India, Germany, Bangladesh, Thailand		10
	sesame seeds, organic quinoa	Netherlands, India		2
	ashwagandha, bacopa (Sutera cordata), senna leaves and pods	India		3
	instant noodles	Vietnam, Rep. of Korea, Ukraine		8
	gluten, rice protein isolate, product „centella asiatica“, bamboo extract, barley grass powder	Netherlands, France, India, Spain, Germany		6
	food supplement	France, India		13
	crispy bread with quinoa, ice cream	Czech Rep., France		3
	carboxymethylcellulose sodium (E 466)	India		1
Chlorate	frozen ruby snapper (<i>Pristipomoides filamentosus</i>)	Yemen	0.66 mg/kg	1
Cleaning detergent	low-fat milk	Denmark		1
Benzo(a)pyrene, PAH	organic paprika powder	Spain	Benzo(a)pyrene: 16.4 µg/kg; PAH: 89.1 µg/kg	1
	luteine powder	China	PAH: 78.3 µg/kg	1
Mineral oil	raisins	unknown via Slovakia		1
Acrylamide	biscuits	Bosnia and Herzegovina	766 µg/kg	1
3-Monochlor-1,2-propanediol (3-MCPD)	infant formula	France	31 µg/kg	1
	soy sauce	Philippines	0.07 mg/kg	1
Pyrrolizidine alkaloids (PA)	cumin, oregano	Turkey	up 6,970 µg/kg	3
Ergot alkaloids	rye flour	France, Belgium		3
Tropane alkaloids	soy bean meal	Austria	Atropine: 56 µg/kg	1
Histamine	fish/fish products	France, Portugal, Sri Lanka		3
Cyanide	aprikot kernels	Afghanistan	30 mg/kg	1
	organic flaxseed	Russian Federation	280 mg/kg	1
Iodine	dried seaweed	Rep. of Korea		1
Pharmacological Active Substances				
Aloin	product "Granelli di erbe"	Italy	171 mg/100g	1
Hupercine A	food supplement	Poland		1

Reason for Notifying	Product	Country of Origin	Notes	Number
Cannabidiol (CBD)	CBD oil	unknown, Spain		2
	hemp fiber oils and capsules	Poland		1
	food supplement	unknown		1
	chewing gum, CBD fruit gummies, various products	Netherlands, UK, Poland		3
Tetrahydrocannabinol (THC)	hemp tea	Poland	81.8 mg/kg	1
	chewing gum	Netherlands	328 mg/kg	1
	hemp flour and hemp protein	Lithuania		1
Lasalocid	poultry meat	France	144 µg/kg	1
Leukomalachite green	red tilapia	Vietnam	14.6 µg/kg	1
Nitrofurans metabolites	hard shell crabs and soft shell crabs	Bangladesh	1.8 µg/kg (SEM)	1
Veterinary medicines (Tetracycline, Meloxicam, Carprofen, Ibuprofen)	beef	Netherlands		1
Salicylic acid	horsemeat	Argentina	517 µg/kg	1
Sulfonamides	beef	Paraguay	326 µg/kg (Sulfadimethoxine)	1
Sildenafil	energy drink	Turkey		1
Yohimbine	food supplement	Poland		1
Unauthorised Colours				
Rhodamine B	pickled turnips	Lebanon		1
Sudan II, Sudan III, Sudan Red G	paprika powder	Russian Federation		1
Sudan III	palm oil	Guinea		1
Sudan IV	palm oil	Ghana		1
Miscellaneous				
Parasitic infestation with Anisakis	fish, zeus faber roe	Germany, Denmark, Spain, Morocco		4
GMO, not authorised	green papaya	Cambodia		1
Unauthorised irradiation	organic vegetable mix, food supplement	Latvia, USA		2
Allergens (peanut)	liquid soybean lecithin	India	up 220 mg/kg	1
Foodborne disease outbreak	chocolate products, traceability related to the foodborne outbreak	various countries		2
	oysters, snails	Netherlands, France, Morocco		4

Reason for Notifying	Product	Country of Origin	Notes	Number
Pathogenic Germs				
Salmonella total: 90	meat/meat products (including poultry)			53
	mozzarella, tomato mozzarella wraps	Switzerland, Netherlands		2
	egg white	Netherlands		1
	black pepper	Brazil		19
	bay leaves, coriander seed, cumin, spice mixes	Turkey, unknown via Italy, Netherlands		4
	pumpkin seeds, chia seeds, flaxseed, sesame seeds	China, Netherlands, India, Nigeria, Uganda		7
	halva with pistachios	Syria		1
	orange blossoms	Iran		1
	food supplement	Germany		2
<i>Bacillus cereus</i>	oat drink, food supplement	Sweden, UK		2
<i>Listeria monocytogenes</i>	fish/fish products, mussels	Poland, Spain, Belgium, Chile		4
	meat/meat products (including poultry)	Poland, Hungary, Belgium, Italy		6
	cheese, raw milk cheese, gorgonzola, goat's cheese, raw milk goat's cheese	Germany, Belgium, Italy, France		6
	enoki mushrooms	China, Rep. of Korea		3
	ready meal, pasty, vegan cheese alternative	France, Belgium		3
Shigatoxin producing <i>E.coli</i> (STEC)	beef tartare, cow carcass, beef	Poland, Belgium		3
	sheep's cheese	Greece		1
	frozen pizza dough	Netherlands		1
	frozen pizzas	France		1
Norovirus	oysters, mussels	France, Ireland, Netherlands, Spain		11

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