

No. 1 – February 2018

Acrylamide

On 20 November 2017, the European Commission adopted a provision concerning the regulation of acrylamide in food. Regulation (EU) 2017/2158 that establishes the "mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food" (Official Journal L304 dated 21 November 2017, pages 24-44) came into force on 11 December 2017 and will directly apply from 11 April 2018 in each member state. The European Commission announced the publication of an interpretation guideline for this regulation for spring 2018.

Detailed information regarding this subject was published by the Federal Office of Consumer Protection and Food Safety (Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL)) at <https://www.bvl.bund.de>. The German Federation for Food Law and Food Science (Bund für Lebensmittelrecht und Lebensmittelkunde e.V. (BLL)) also compiled information on acrylamide on their website.

News from the BfR

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

- Food supplements with anthranoid-containing *Aloe* whole-leaf preparations bear health risks. Therefore, for the production of foods with leaves of the *Aloe* species plants, the anthranoid-containing outer leaf layers should be removed carefully. (Statement No. 032/2017).

- Press information 46/2017: Acting in concert in order to increase food safety in Europe and its neighbouring states. The fourth, updated version of the EU Food Safety Almanac and the new ENP Almanac concerning the **European Neighbourhood Policy** were published. These two reference books offer an overview of the respective governmental institutions that are relevant to the food and feed safety and the administrative structures in the European Union and the neighbouring countries. Each country profile contains a graphic overview of the governmental organisation and a detailed description of the tasks and activities of the institutions.

- Press information No. 50/2017: The BfR evaluated the recommended maximum daily intake of magnesium via food supplements (see also statement No. 034/2017).

- Updated questions and answers regarding mineral oil components in food.

For details, please refer to www.bfr.bund.de.

Modifications Regarding Pesticides

- Thiacloprid low-flow aerosol: the Federal Office of Consumer Protection and Food Safety (Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL)) revoked the approval of the pesticide Thiacloprid low-flow aerosol for Germany as of 31 December 2017. For goods that were already in free sale at the date of withdrawal, a sell-off period until 30 June 2018 and a period of allowed use until 30 June 2019 shall apply.

- Flupyrsulfuron: With effect from 14 December 2017, the BVL has suspended the approval for pesticides with flupyrsulfuron as the effective agent. These pesticides must no longer be marketed or used in Germany.

- Glyphosate: On 15 December 2017, the Implementing Regulation (EU) 2017/2324 of the Commission of 12 December 2017 regarding the "renewing of the approval of the active substance glyphosate in accordance with Regulation (EC) No. 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No. 540/2011" was published in the Official Journal of the European Union (Official Journal L 333 dated 15 December 2017, page 10). The Implementing Regulation came into effect on 16 December 2017. The approval is limited until 15 December 2022 and is connected with several obligations and restrictions. Amongst others, the Member States must ensure that glyphosate-containing pesticides do not contain the co-formulant POE tallowamine.

- Maximum residue levels in radish/garden radish leaves: In their specialist reports regarding pesticides (www.bvl.bund.de), the BVL stated on 22 December 2017 that the exceedance of the

maximum residue levels in radish and garden radish leaves will be possible in the future.

The background is an update of Annex I of Regulation (EC) No. 396/2005 which has the effect that, since 1 January 2018, the maximum residue levels for green cabbage also apply to radish and garden radish leaves. "Since no residue data are available for these leaves until now, the BVL, at present, cannot ensure that, when applying the pesticides that are approved for radish and garden radish, the maximum residue levels for the leaves are complied with."

Sentences

- The designation "elderflower" regarding syrup that contains only 0.3% of elderflower syrup but has the typical taste of elderflowers, is not misleading (Higher Regional Court of Frankfurt, decision of 11 September 2017 – 6 U 109/17).
- The indication "lightly salted" regarding a packet soup is impermissible when an indication regarding the reduced amount of salt is missing (Federal High Court of Justice "fairy tale soup", sentence dated 18 May 2017 – I ZR 100/16).
- Ice cream can be sold under the designation "champagne sorbet" when, as an essential property, it shows a taste that is mainly effected by champagne (ECJ, decision of 20 December 2017 - C-393/16).

Miscellaneous

- For the annotation of the so-called "QUID" regulations, the "Commission Notice on the application of the principle of quantitative ingredients declaration (QUID)" was published on 21 November

2017 in the Official Journal of the European Union (Official Journal 2017 / C 393, page 5).

- The Annual Report 2016 of the RASFF early warning system was published on the website of the EU Commission (https://ec.europa.eu/food/safety/rasff/reports_publications_en).
- Novel Food: Regulation (EU) 2015/2283 on novel food (Novel Food Regulation) came already into force in December 2015, but in its entirety, it has only applied since 1 January 2018. On 30 December 2017, three implementing regulations were published regarding the Novel Food Regulation (2017/2468 to 2017/2470), and came into force on 19 January 2018.
- The German Federation for Food Law and Food Science (Bund für Lebensmittelrecht und Lebensmittelkunde e.V. (BLL)) published a new brochure concerning food supplements. The brochure "Nahrungsergänzungsmittel – die wichtigsten Fakten" (Food supplements – the most important facts) can be ordered or downloaded free of charge at www.bll.de.
- The BLL also published the so-called "Toolbox zur Vermeidung von Einträgen unerwünschter Mineralölkohlenwasserstoffe in Lebensmittel" (tool box for the prevention of releases of undesirable mineral oil hydrocarbons into food) (last update December 2017). The latter document was developed with the support of experts from the BLL members and the Lebensmittelchemisches Institut ((LCI) Food Chemistry Institute) and is available for download at www.bll.de.

Last Update: 8 January 2018

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 20 November 2017 and 15 January 2018**.

Source:

https://www.bvl.bund.de/EN/01_Food/01_tasks/04_RapidAlertSystem/01_RASFF_notifications/RASFF_notifications_node.html
(extracts of the RASFF, anonymized and shortened by editorial preparation at the BVL)

Reason for Notifying	Product	Country of Origin	Notes	Number
Mycotoxins				
Aflatoxins total: 190	nuts, nut products, figs, pistachio, peanuts, almonds, melon kernels, apricot kernels			170
	chili, chili flakes, chili powder	India, Malawi, Sri Lanka	B1: up 27.4 µg/kg	7
	rice	Pakistan, Sri Lanka	B1: up 26.8 µg/kg; total: up 28.95 µg/kg	2
	organic mesquite powder, spice blend, pepper	Peru, Ethiopia, Brazil	B1: 16 µg/kg; total: 51.4 µg/kg	3

Reason for Notifying	Product	Country of Origin	Notes	Number
Fumonisin	cornmeal	Slovenia	17,000 µg/kg	7
Ochratoxin A	figs, raisins, sultanas	Turkey, Italy, Uzbekistan, UK	up 51 µg/kg	13
	pistachio	Germany, USA	up 140 µg/kg	4
	nutmeg, pepper	Sri Lanka, Indonesia	94.4 µg/kg	4
Heavy Metals / Other Metals				
Lead	swordfish	Tunisia		1
	manioc flour	Guinea		2
	sheep`s milk	Italy		1
Cadmium	horsemeat	Romania, Spain	0.28 mg/kg	6
	asparagus	Peru	up 0.38 mg/kg	2
	fish/fish products, crustaceans and molluscs	Vietnam, India, Ecuador, Italy, Spain	up 1.3 mg/kg	15
Mercury	fish/fish products		up 4.5 mg/kg	73
Arsenic	catfish	Norway	up 16.08 mg/kg	5
Other Contaminants / Residues				
Fipronil	eggs, egg products		up 1.9 mg/kg	29
Benzo(a)pyrene, PAH	bay leaves	Turkey	Benzo(a)pyrene: 80 µg/kg; PAH: 386 µg/kg	4
	seasoning oil, sunflower oil, almond oil, organic cumin seed oil	USA, Ukraine, Greece, Belgium		19
	hazelnut oil	France		20
Mineral oil (MOSH, MOAH)	noodles, leaves of <i>Corchorus olitorius</i>	Kazakhstan, Syria		9
Acrylamide	pastry, snacks	Belgium, Bosnia and Herzegovina, Serbia, Macedonia	up 1,104 µg/kg	15
3-Monochloropropanediol (3-MCPD)	soy sauce	Philippines		1
	palm oil	Germany	2,800 µg/kg	5
Chlorate	baby food	Italy		5
Dehydroacetic acid	cheese, cheese cover	Spain		5
Dichlormethane	mineral water	Italy	1.8 µg/l	13
Histamine	fish/fish products		up 2,850 mg/kg	21
Shellfish poisoning toxins (ASP, PSP, DSP)	scallops, mussels, pacific cupped oyster	Belgium, Italy, France		17
Hydrocyanic acid	food supplement	Germany	6,083 mg/kg	1
	apricot kernels	UK, Turkey	37.6 mg/kg	4
Pharmacological Active Substances				
1,3-Dimethylamylamine (DMAA)	food supplements	USA		7
Diclofenac	horsemeat	Poland	2.21 µg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
Malachite green, Brilliant green, Leucomalachite green	prawns, fish, trout, carp	Vietnam, Germany, Lithuania		9
Lasalocid	chicken breast	Thailand	37.2 µg/kg	1
Nitrofurantoin/ -metabolites	prawns, catfish	India, Bangladesh, Vietnam, Thailand		16
Sildenafil, Tadalafil	Food supplement	China, UK, Latvia, Sweden, Portugal, Malaysia		26
Sulfadimethoxine	rabbit meat	Italy		5
Tetracyclines	duck meat, salmon fillet	Bulgaria, Chile		11
Yohimbine	food supplement	USA, Canada		2
Unauthorized Colours				
Orange II	chili powder, egg yolk powder	Spain, India		4
Sudan I	egg yolk powder	India		3
Sudan IV	palm oil	Ghana, Nigeria	up 50 µg/kg	31
Rhodamine B	beets	Syria	up 30.15 mg/kg	6
Miscellaneous				
GVO not authorized	rice product	China	(rice)	1
	fishery product	Thailand	(maize)	1
Irradiation	rice extract, spirulina tablets, frog's legs	China, Taiwan, Vietnam		3
Food dependent disease outbreak	oysters, pacific cupped oysters	France		13
	eggs	Poland		4
	salami	Spain		12
	infant formula	France		3
	food supplement	UK		2
Pathogenic Germs				
Salmonella total: 286	baby food, infant formula	France		39
	meat / meat products			140
	prawns, mussels	Bangladesh, Vietnam, unknown (packed in Denmark), Spain, Netherlands		7
	eggs / egg products	Italy, Poland, Bulgaria		8
	organic raw milk cheese	Belgium		2
	sesame/-products	United Arab Emirates, Nigeria, Sudan		5
	spices, betel leaves, pandanus leaves, psyllium seed powder, marigold, mushrooms	Netherlands, India, Turkey, China, Brazil, Vietnam, Cambodia, Thailand, India, Germany (raw material Egypt)		74

Reason for Notifying	Product	Country of Origin	Notes	Number
	gelatin	Netherlands		2
	cashew kernels, almond kernels, hazelnut paste, chocolate, ready meal	India, USA, Turkey, Poland, Netherlands		9
<i>Listeria monocytogenes</i>	fish / fish products, prawns	Spain, Estonia, Lithuania		5
	cheese, soft cheese, raw milk cheese, goat cheese	Ireland, France, Italy, Netherlands		16
	meat / meat products	Slovakia, Germany, Netherlands, France, Switzerland/Italy		25
	organic vegetable soup, enoki mushrooms, delicatessen salads	Italy, South Korea, Belgium		9
	herb marinade	Germany		1
Shigatoxin producing E.coli	meat / meat products	Australia, Argentina, Brazil, Uruguay		17
	raw milk cheese	France		3
<i>Clostridium botulinum</i>	beef	Sweden	botulinum toxin	3
	canned vegetables	Turkey	(suspicion)	1
	ready meals	Italy	(suspicion)	5
<i>Cronobacter sakazakii</i>	baby food	Spain, Netherlands		2
<i>Campylobacter coli</i>	pork	Spain		1
<i>Vibrio parahaemolyticus</i>	prawns	Thailand		1
<i>Vibrio vulnificus</i>	prawns	Indonesia		1
Norovirus	oysters	France		4
	raspberries	Serbia, Morocco		6
	organic fruit mixture	Germany (raw material Poland, Serbia, Turkey and Morocco)		6

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