

## No. 2 – April 2018

### Modifications Regarding Pesticides

- **Diquat:** On 21 February 2018, the Federal Office of Consumer Protection and Food Safety (Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL)) mandated the suspension of the approval for pesticides with the active agent diquat for application in hops. Therefore, this application is no longer permitted. It has become evident that the maximum residue level of diquat applicable to hops of 0.01 mg/kg cannot be complied with in all the cases when properly used.
- **Iprodione:** The BVL revoked the approval of pesticides with the active agent iprodione as of 5 March 2018. For pesticides that were already in free sale at the date of withdrawal, a sell-off period until 5 June 2018 shall apply. The period of allowed use also applies until 5 June 2018.
- **Maximum residue levels:** With the Provisions (EU) No. 2018/70 and 2018/78, the maximum residue levels (MRL) of the following pesticide active agents were modified:  
ametoctradin, bensulfuron-methyl, chlorpyrifos-methyl, cyproconazole, difenoconazole, dimethachlor, fluazinam, flutriafol, lufenuron, sodium chloride, 2-phenylphenol, prohexadione.
- **Mercury:** The MRL for mercury within the framework of Regulation (EC) No. 396/2005 were changed for different products. The corresponding variations regulation (Regulation (EU) 2018/73) dated 16 January 2018 came into effect on 7 February 2018 and has already applied since then. For different types of goods, specific maximum levels were defined or raised. Amongst others, MRL were newly defined for honey and other bee products.
- **New Annex I of the EU pesticide regulation:** Annex I of Regulation (EC) No. 396/2005 was revised and replaced by the appendix that was published in Regulation (EU) No. 2018/62. The regulation came into effect on 12 February, but it has retroactively applied since 1 January 2018.

### Statements of the ALS

The Work Group of Food Chemistry Experts of the States and of the Federal Office of Consumer Protection and Food Safety (Arbeitskreis Lebensmittelchemischer Sachverständiger der Länder und des Bundesamtes für Verbraucherschutz und Lebensmittelsicherheit (ALS)) prepared,

amongst others, the following statements on its 110<sup>th</sup> conference:

- **Algae products** (e.g. "algae salad", "seaweed salad", and "pickled seaweed") that are produced using marinated algae and further flavour-imparting ingredients, need to be assigned to food category "12.7 Salads and spicy spreads" according to Part E of Annex II of Regulation (EC) No. 1333/2008. Therefore, they may directly be coloured with colourants of additive group II. The basic ingredient "algae products" must be classified into category "04.2.4.1 Fruit and vegetable preparations excluding compote" and, as a matter of principle, must not be coloured with colourants. A carry-over that is permissible according to Article 18 Para. 1 Part a) of Regulation (EC) No. 1333/2008 remains unaffected thereby (Statement No. 2017/23, replaces No. 2015/37).
- As far as beverage bottles are concerned, the front of the package is considered to be the main visual field, including the label at the bottleneck. Here, misleading cannot be excluded in the individual case, for example when required specifications on the bottleneck label are not clearly identifiable at first view (Statement No. 2017/24).
- As a matter of principle, products with ginseng root (*Panax ginseng* – red or white) are not evaluated as medicinal products by function, independent of the dose. An evaluation as a medicinal product by presentation is a single-case decision and depends on the appearance of the product. "Therefore, ginseng root (*Panax ginseng*) can be a food ingredient, provided that the food law provisions are observed, in particular with regard to safety (e.g. the ginsenoside content)." (Statement No. 2017/36)
- The guideline for the control of genetic modifications in food was revised for the second time. (Statement No. 2017/42). The consolidated version is available on the BVL website.

Note: The statements of the ALS are not legally binding, but they can be considered as expert opinions.

The respective exact wording is published at [www.bvl.bund.de](http://www.bvl.bund.de) (→ [direct link to the ALS](#)).

## News from the BfR

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

- Updated BfR maximum quantity recommendations for vitamins and minerals in food supplements (press information 01/2018).
- Questions and answers regarding the African swine fever and a press release (no. 02/2018) regarding the fact that African swine fever does not represent a health risk for humans.
- Questions and answers concerning "genome editing" and, in particular, regarding the CRISPR/Cas9 method. "Genome editing" includes new methods in order to carry out targeted interventions in the genetic material of a cell.
- Kitchen hygiene: The results of a research project show that the kitchen hygiene that is presented in TV cooking shows can exert an influence on the hygiene behaviour of viewers (press information 05/2018). In note no. 003/2018, it is explained why kitchen hygiene is not only important in canteens and restaurants but also at home.
- Perchlorate/chlorate: The input of perchlorate and chlorate into the food chain is to be reduced (updated Statements No. 006/2018 and 007/2018). The respective status quo of the health risk assessment and the statutory regulation is presented and, in addition, recommendations are given for chlorate regarding the evaluation of chlorate contents in individual food samples.

For detailed information, please refer to [www.bfr.bund.de](http://www.bfr.bund.de).

## Sentences

- Whether or not the designation "Grand Dessert – Double Nut" for a pudding is misleading, when only a total share of 0.5% of hazelnut is contained therein, will need to be decided by the Federal High Court of Justice in Karlsruhe. Primarily, in the sentence dated 14 December 2017, the Higher Regional Court in Munich considered this hazelnut share to be sufficient for a promotional emphasis (r.n.: 20 U 846/17).
- According to the Food Information Regulation (Ordinance (EU) No. 1169/2011, LMIV), as regards the food online trade, the obligatory information must be available on the Internet *prior to* the ordering that is connected with costs (Superior Court

of Justice Berlin, sentence dated 23 January 2018, r.n.: 5 U 126/16).

## Miscellaneous

- The addition of phosphates in meat rotisseries was approved: Annex II of Regulation (EC) No. 1333/2008 was modified with regard to the approval of phosphates in deep-frozen vertical rotisseries (Regulation (EU) 2018/74 dated 17 January 2018). The variations regulation came into effect on 7 February.
- Deletion of the preserving agent calcium sorbate E 203 from the union list of Regulation (EC) No. 1333/2008: The respective modification was implemented by Regulation (EU) 2018/98 of the Commission dated 22 January 2018. It came into effect on 12 February 2018 and will apply from 12 August 2018.
- The approval of different sweeteners for fine pastries for particular nutritional uses was cancelled: Annex II of Regulation (EC) No. 1333/2008 was correspondingly modified by Regulation (EU) 2018/97 dated 22 January 2018. The variations regulation came into effect on 12 February 2018. Fine pastries for particular nutritional uses that were lawfully marketed prior to the entry into force of the regulation may remain in circulation until existing stocks are exhausted.
- Modification of the drinking water ordinance: The regulation regarding the reorganisation of provisions of the law on drinking water was published on 8 January 2018 in the Federal Law Gazette and came into effect on 9 January (FLG I Page 99).
- Maximum contents of glycidyl fatty acid esters were published: With Regulation (EU) 2018/290 of the Commission dated 26 February 2018, Regulation (EC) No. 1881/2006 was modified with regard to the maximum contents of glycidyl fatty acid esters. The maximum values concern the food "vegetable oils and fats", "infant formulae", "follow-on formula" and "foods for special medical purposes for infants and young children". The regulation came into effect on 19 March 2018. The indicated foods that were lawfully marketed prior to the entry into force of the regulation may still be marketed until 19 September 2018.

**Update:** 6 March 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 16 January 2018 and 9 March 2018**.

Source:

[https://www.bvl.bund.de/EN/01\\_Food/01\\_tasks/04\\_RapidAlertSystem/01\\_RASFF\\_notifications/RASFF\\_notifications\\_node.html](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
<b>Mycotoxins</b>				
Aflatoxins total: 169	nuts, nut products, figs, pistachios, peanuts, almonds, melon kernels, apricot kernels			143
	chili, chili powder, paprika powder	India, Ethiopia	B1: up 14 µg/kg; total: up 45.3 µg/kg	5
	rice	Pakistan	B1: 10.9 µg/kg; total: 11.8 µg/kg	3
	cornmeal, manioc flour	Ghana		10
	curry powder, spice blend	Sri Lanka, Nigeria, Pakistan	B1: 110 µg/kg; total: 154 µg/kg	7
Fumonisin	cornmeal	Serbia	2,480 µg/kg	1
Deoxynivalenol (DON)	breakfast cereals	Italy	1,600 µg/kg	1
	cornmeal	Serbia	970 µg/kg	1
Ochratoxin A	apicots, figs, raisins, sultanas	Turkey, Uzbekistan	up 107 µg/kg	7
	organic rye, breakfast cereals	Poland, Italy	up 14.6 µg/kg	5
	Kemiri nuts, nutmeg	Indonesia	up 55 µg/kg	3
	pistachios	Germany (raw material USA)		2
<b>Heavy Metals / Other Metals</b>				
Lead	yellowfin tuna	Thailand	0.45 mg/kg	2
Cadmium	horsemeat	Spain		5
	asparagus	Peru		1
	fish/fish products	India, Ecuador, Indonesia	up 2.6 mg/kg	10
Mercury	fish/fish products		up 3.35 mg/kg	60
Arsenic	rice wafers	Poland	0.40 mg/kg	2
<b>Other Contaminants / Residues</b>				
Fipronil	eggs	Netherlands		1
Benzo(a)pyrene, PAH	sesame oil, sunflower oil	Ukraine	Benzo(a)pyrene: up 4.34 µg/kg	3
	almond oil, hazelnut oil, coconut oil, organic cumin seed oil	Italy (raw mat. USA), France, Sri Lanka, Belgium		10
	bear's garlic, bay leaves, pepper	Bulgaria, Turkey, Austria	Benzo(a)pyrene: up 20 µg/kg; PAH: up 150 µg/kg	14
	cocoa press	Indonesia	Benzo(a)pyrene: 38.33 µg/kg; PAH: 226.21 µg/kg	1
	food supplement	Netherlands, Czech Rep. (raw mat. China), Germany (raw mat. Switzerland), China	Benzo(a)pyrene: up 248 µg/kg; PAH: up 1,103 µg/kg	9
Mineral oil (MOSH, MOAH)	noodles, leaves of <i>Corchorus olitorius</i>	Kazakhstan, Syria		9

Reason for Notifying	Product	Country of Origin	Notes	Number
Tetrahydrocannabinol (THC)	organic hemp seeds	unknown via Netherlands	13.2 mg/kg	2
Acrylamide	pastry	Bosnia and Herzegovina, Belgium	up 943.6 µg/kg	2
Chlorate	organic baby food	Italy		4
Dehydroacetic acid	cheese, cheese cover	Spain		10
Dichlormethane	mineral water	Italy		3
Histamine	fish/fish products		up 690 mg/kg	44
Hydrocyanic acid	apricots	unknown	4,039 mg/kg	3
	organic apricot kernels, apricot kernels	Pakistan, China, UK, unknown	up 2,531 mg/kg	28
<b>Pharmacological Active Substances</b>				
1,5-Dimethylhexylamine (DMHA)	food supplement	USA		3
2,4-Dinitrophenol (DNP)	food supplement	Russian Federation, unknown		3
Chloramphenicol	pig`s intestines	China		1
Diclazuril	horsemeat	Bulgaria	1,745.2 µg/kg	4
Diclofenac	horsemeat	Belgium, Hungary	up 4.9 ng/g	2
Leukomalachite green	carp	Lithuania, White Russia	0.42 µg/kg	2
Nitrofurantoin / -metabolites	fish, prawns	Greece, Vietnam, India		9
Sildenafil	food supplement	China, USA, Austria, Sweden, UK, Spain, unknown		28
Tadalafil	food supplement	Portugal, USA, UK, Spain		20
Tetracyclines	chicken, salmon fillet, prawns	Hungary (raw mat. Romania), Chile, Vietnam		8
Vardenafil	food supplement	UK		3
Yohimbine	food supplement	USA		2
<b>Unauthorized Colours</b>				
Orange II, Sudan I	egg yolk powder	India		1
Sudan IV	palm oil	Ghana, Guinea, unknown	up 1,104 µg/kg	24
Rhodamine B	sweets	Pakistan		1
<b>Miscellaneous</b>				
Pyrrolizidine alkaloids (PA)	flower pollen, herbal tea, peppermint tea	Spain, France, Iran		19
Irradiation	food supplement , sardines	Taiwan, Vietnam		9
Food dependent disease outbreak	oysters	France		39
	eggs	Poland		2
	salami, sausage	Spain, Italy		4
	infant formula	France		22
	dates	Iran		5

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Pathogenic Germs</b>				
Salmonella total: 192	infant formula	France		2
	meat / meat products			116
	prawns, crab claws, mussels	Chile, China, Spain, France		9
	egg products	Netherlands, Denmark		6
	sesame/ sesame products	India, Ethiopia, Sudan, Turkey		21
	spices, spice blend	Thailand, Egypt, India, Brazil		25
	marigold	Germany (raw mat. Egypt)		3
	ready meal, vegetable chips, chocolate, sweets	Netherlands, Poland, Syria, India, unknown		10
<i>Listeria monocytogenes</i>	fish / fish products	Spain, Poland, Italy (raw mat. Estonia)		6
	raw milk, butter, raw milk cheese, soft cheese, goat cheese	Portugal, Belgium, Spain, France		19
	meat / meat products	Austria, Germany, Netherlands, New Zealand, Argentina, France		21
	Enoki mushrooms, ready meal, herb marinade	South Korea, Belgium, France, Germany		6
	corn	Poland, Hungary		21
Shigatoxin producing E.coli	meat / meat products	Australia, Argentina, Brazil, Uruguay, Austria		21
<i>Cronobacter sakazakii</i>	baby food	Spain		2
<i>Campylobacter (coli, jejuni, spp.)</i>	pork, chicken thighs, chicken breast	Spain, France, Brazil		4
Norovirus	oysters	France		29
	blackberries, strawberries, raspberries, blueberries, wild cranberries	Mexico, Spain, Morocco, France (raw mat. Lithuania and Ukraine)		18
	organic fruit mixture	Germany (raw mat. from Poland, Serbia, Turkey and Morocco)		14

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)

The information included in this publication is based on our current knowledge and was thoroughly verified. Nevertheless there is no guarantee for it to be up-to-date, complete and correct. Eurofins is not to be held liable for damages or injury, which are connected to the use of this information. Especially the confirmation of legal details is up to the user. All offers are non-binding and without obligation .