

## No. 4 – August 2018

### Modifications Regarding Pesticides

■ Pesticides with neonicotinoids – update: As regards the future restriction of the use of the three bee-harming neonicotinoid active substances clothianidin, imidacloprid and thiamethoxam for plant protection in greenhouses, corresponding EU implementing provisions were published on 30 May 2018. The Implementing Provisions (EU) 2018/783, 2018/784 and 2018/785 of the Commission from 29 May 2018 came into force on 19 June and have applied ever since in every Member State. According to the latter, the Member States will change or revoke the respective approvals by 19 September 2018 at the latest, and any period of permitted use will end on 19 December 2018 at the latest.

([https://ec.europa.eu/food/plant/pesticides/approval\\_active\\_substances/approval\\_renewal/neonicotinoids\\_en](https://ec.europa.eu/food/plant/pesticides/approval_active_substances/approval_renewal/neonicotinoids_en)).

■ Maximum residue levels: With Regulations (EU) Nos. 2018/832, 2018/685, 2018/686 and 2018/687, the maximum residue levels of the following pesticide active agents were modified:

Abamectin, acibenzolar-S-methyl, benzovindiflupyr, beer, bifenthrin, bixafen, chlorantraniliprole, chlorpyrifos, chlorpyrifos-methyl, cyantraniliprole, cymoxanil, deltamethrin, difenoconazole, fenamidone, flonicamid, fluzifop-P, flubendiamide, fluopicolide, fluopyram, fluxapyroxad, folpet, fosetyl, isofetamid, maleic hydrazide, mandestrobin, mepiquat, metazachlor, metrafenon, pendimethalin, propamocarb, propargite, pyrimethanil, mustard seed powder, sulfoxaflor, teflubenzuron, tefluthrin, triclopyr, trifloxystrobin.

### News from the BfR

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

■ *Campylobacter*: Hen's eggs can transmit the diarrhoea pathogen *Campylobacter* to humans. Information and advice on how to protect oneself can be taken from Statement No. 011/2018 and Press Information 18/2018 dated 11 May 2018.

■ Opium alkaloids in poppy: Contents of pharmacologically active opium alkaloids in poppy seeds should be reduced to the technologically achievable minimum level. This is recommended by the BfR in its Communication No. 018/2018 dated 5 June 2018

which was published by virtue of the updated Statement of the European Food Safety Authority (EFSA, Journal 2018; 16(5):5243).

■ BfR2GO: Edition 1/2018 of the BfR's scientific journal ("BfR2GO") was released and is available at <https://www.bfr.bund.de/cm/364/bfr-2-go-issue-1-2018.pdf>.

■ Isoglucose (High Fructose Corn Syrup, HFCS): The BfR assesses isoglucose and sucrose (retail sugar) to be similar with regard to their health risk potential (Communication No. 019/2018 dated 8 June 2018).

■ 3-MCPD, 2-MCPD and glycidyl fatty acid esters: On 13 June 2018, the BfR published questions and answers regarding the contamination of food with 3-MCPD, 2-MCPD and glycidyl fatty acid esters.

■ Pyrrolizidine alkaloids (PA): The BfR published three articles regarding the PA subject:

– An updated risk assessment concerning contents of 1,2-unsaturated pyrrolizidine alkaloids (PA) in food (Statement No. 020/2018 dated 14 June 2018).

– Questions and answers regarding pyrrolizidine alkaloids in food (updated FAQs dated 14 June 2018).

– Hazardous nutritional supplements from nature: According to the available data, food supplements that contain PA-forming plants or plant parts significantly contribute to the intake of PA. Therefore, the BfR recommends not using such food supplements (Press Information 22/2018 dated 14 June 2018).

■ Returnable beakers for "Coffee to go": On 26 June 2018, the BfR published questions and answers regarding the use of customers' own returnable beakers for "Coffee to go".

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

### Sentences

■ The indication "salubrious" for beer: According to a sentence of the Federal High Court of Justice in Karlsruhe, beer must not be referred to as "salubrious", since this is an impermissible health-related indication (Federal High Court of Justice, Reference Number: I ZR 252/16). The so-called Health Claims Ordinance (Ordinance (EC) No. 1924/2006) prohibits health-related indications for drinks with an alcohol content of >1.2%. This does not only apply to labelling but also to the advertising for these drinks.

- "German Balsamico": Whether the term "Balsamico" may generally be used or only by the Italian producers of Aceto Balsamico di Modena GI, must now be decided by the Court of Justice of the European Union (ECJ). In the lawsuit between a German vinegar manufacturer that names its products "German Balsamico" or "Balsamico" and the Italian protection association (Consorzio Tutela Aceto Balsamico di Modena – CTAB), the Federal High Court of Justice in Karlsruhe presented the question to the European Court of Justice on 12 April 2018 as to whether or not the protection of the designation "Aceto Balsamico di Modena" extends to the use of the individual non-geographic terms of the composed designation "Aceto", "Balsamico" and "Aceto Balsamico" or whether or not the designation "German Balsamico" is permissible (Federal High Court of Justice, Reference Number: I ZR 253/16).
- "Glen" whisky: On 7 June 2018, the ECJ decided that the question as to whether a consumer *directly* thinks of the registered geographical indication "Scotch Whisky" when seeing a comparable product with the designation "Glen" must be decided by the national court (ECJ, Reference Number: C-44/17). According to the ECJ, it does not suffice for the assessment when the designation gives rise to any association with the protected indication or the related region. Likewise, any other indications of the marking need to be ignored for the consideration. The decision thus depends again on the Hamburg District Court that presented the question to the ECJ.

### Miscellaneous

- Food Information Regulation – indication of origin primary ingredients: With the Implementing Regulation (EU) 2018/775 of the Commission dated 28 May 2018, details were defined as regards the application of Article 26 Section 3 of Regulation (EU) No. 1169/2011 (Food Information Regulation) concerning the provisions for the indication of the country or point of origin of the primary ingredient of a food product (Official Journal L 131 dated 29 May 2018, Page 8). In Article 2, the possibilities for the indication of a deviating origin of the primary ingredient are governed, and in Article 3 the font sizes that are to be applied. The regulation came into force on 1 June 2018 and will apply from 1 April 2020. Foods that were marketed or labelled prior to the date of applicability of the regulation may be marketed until the existing stocks are exhausted.

- Questions and answers regarding the Food Information Regulation: The European Commission published a new catalogue of questions and answers concerning the use of the Food Information Regulation (Official Journal C 196 dated 8 June 2018, Page 1). The announcement serves as an interpretation aid but "does not anticipate an interpretation through the Court of Justice of the European Union".

- New EU organic regulation: On 14 June 2018, Regulation (EU) 2018/848 of the European Parliament and of the Council from 30 May 2018 on the ecological/biological production and the labelling of ecological/biological products and for the revocation of Regulation (EC) No. 834/2007 of the Council was published in the Official Journal of the European Union (Official Journal L 150 dated 14 June 2018, Page 1). The regulation came into force on 15 June 2018 and will apply from 1 January 2021.

- Titanium dioxide (E 171): Given the fact that France is planning a ban of titanium dioxide as a food additive, the European Food Safety Authority (EFSA) published a statement on behalf of the European Commission in reference to four new studies on the potential toxicity of titanium dioxide as a food additive. EFSA concludes that the results of the respective studies do not justify a revision of the EFSA assessment regarding the safety of titanium dioxide (EFSA Journal 2018; 16(7):5366; <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2018.5366>).

- Residues of veterinary medicinal products – pig prolactin and eprinomectin: With the Implementing Regulations (EU) Nos. 2018/721 and 2018/722 of the Commission from 16 May 2018 for the modification of Regulation (EU) No. 37/2010, the applications for the substances pig prolactin and eprinomectin were reapproved or extended, and partially maximum levels were defined (Official Journal L 122 dated 17 May 2018; Pages 5 and 8).

- Hydroxymethylfurfural (HMF): The Federal Office of Consumer Protection and Food Safety (BVL) published a leaflet regarding the avoidance of the occurrence of HMF in feedstuff for honey bees. ([https://www.bvl.bund.de/SharedDocs/Downloads/0\\_2\\_Futtermittel/fm\\_merkblatt\\_HMF\\_EN\\_zur\\_Veroeffentlichung\\_Stand\\_23072018.html](https://www.bvl.bund.de/SharedDocs/Downloads/0_2_Futtermittel/fm_merkblatt_HMF_EN_zur_Veroeffentlichung_Stand_23072018.html)).

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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 10 May 2018 and 30 July 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<br>total: 190           | nuts, nut products, figs, pistachios, peanuts, almonds, melon kernels, apricot kernels |  |   | 156    |
|                                    | chili, chili powder  | India, Sri Lanka   | B1: up 65.7 µg/kg;<br>total:<br>up 68.6 µg/kg   | 8      |
|                                    | curry powder, spice blend, ginger powder, paprika powder, nutmeg                       | Sri Lanka, Pakistan, Nigeria, Turkey, Indonesia, Lebanon                         | B1: up 11.30 µg/kg;<br>total:<br>up 16.31 µg/kg | 11     |
|                                    | organic infant formular, organic infant muesli   | Switzerland, Germany   | B1: up 0.4 µg/kg                                | 4      |
|                                    | basmati rice   | Pakistan, unknown via UK   | B1: up 5.13 µg/kg                               | 4      |
| Ochratoxin A                       | apricots, raisins, sultanas  | Turkey, China, Iran, Uzbekistan, United Arab Emirates                            | up 36.2 µg/kg                                   | 17     |
|                                    | organic buckwheat flour, buckwheat, cereal product                                     | UK, Lithuania, Serbia  | up 25.8 µg/kg                                   | 5      |
|                                    | chili powder, paprika powder   | India, China, Spain, Austria   | up 114.2 µg/kg                                  | 19     |
|                                    | coffee, herbal tea   | Vietnam, Slovakia (partly raw material Croatia)                                  | up 27.57 µg/kg                                  | 7      |
|                                    | soybeans, soy product  | India, Indonesia   | up 66 µg/kg                                     | 8      |
|                                    | nutmeg   | Indonesia, Lebanon   | 47 µg/kg  | 2      |
|                                    | pistachio  | Netherlands, USA   | up 460 µg/kg                                    | 9      |
| <b>Heavy Metals / Other Metals</b> |  |  |   |        |
| Lead                               | potatoes   | Greece   | 0.118 mg/kg                                     | 13     |
| Cadmium                            | horsemeat  | Belgium, Spain   | 0.329 mg/kg                                     | 18     |
|                                    | asparagus  | Peru   | up 0.28 mg/kg                                   | 2      |
|                                    | spinach  | Belgium  |   | 4      |
|                                    | fish/fish products   | Taiwan, Spain, India, Vietnam, Bosnia and Herzegovina, Ecuador, Argentina, Italy | up 21.5 mg/kg                                   | 50     |
| Mercury                            | fish/fish products   |  | up 2.6 mg/kg                                    | 84     |

| Reason for Notifying                     | Product  | Country of Origin  | Notes  | Number |
|--|--|--|--|--------|
| <b>Other Contaminants / Residues</b>     |  |  |  |        |
| Fipronil                                 | eggs   | Spain, various origin                                    |  | 5      |
| Tropane alkaloids                        | herbal tea   | Poland   | atropine: 213 µg/kg;<br>scopolamine:<br>44.7 µg/kg     | 2      |
|  | popcorn  | France, Argentina  | atropine: 6.60 µg/kg;<br>scopolamine:<br>up 10.3 µg/kg | 23     |
| Benzo(a)pyrene,<br>PAH                   | organic coconut oil,<br>coconut oil                        | Netherlands, UK  | Benzo(a)pyrene:<br>6.2 µg/kg;<br>PAH: 32.1 µg/kg       | 15     |
|  | sunflower oil, palm oil                                    | Ukraine, Guinea,<br>Ghana                                |  | 9      |
|  | bay leaves   | Turkey   | Benzo(a)pyrene:<br>35.2 µg/kg;<br>PAH: 252 µg/kg       | 1      |
|  | food supplement  | Germany, Spain   | Benzo(a)pyrene:<br>11.7 µg/kg;<br>PAH: 83.7 µg/kg      | 5      |
| Mineral oil<br>(MOSH, MOAH)              | pastry   | France   |  | 5      |
| Monoethylene glycol                      | cheese preparation   | France   |  | 1      |
| Tetrahydrocannabinol<br>(THC)            | organic hemp seeds,<br>snack                               | China, Czech Rep.  | 5.35 mg/kg   | 4      |
| Acrylamide                               | pastry   | Serbia   | 950 µg/kg  | 2      |
| Glycidyl esters                          | palm frying fat, plant-<br>based oils, plant-based<br>fats | Malaysia, Netherlands                                    | up 9,365 µg/kg   | 6      |
|  | chocolate products   | Belgium  |  | 20     |
| Shellfish poisoning<br>toxins (ASP, DSP) | mussels  | Belgium, Portugal,<br>France, Sweden,<br>Ireland         | ASP: 57.8 mg/kg;<br>DSP: up 346 µg/kg                  | 18     |
| Histamine                                | fish/fish products   |  | up 3,035 mg/kg   | 29     |
| Ethyl carbamate                          | cherry spirit  | Belgium with raw mat.<br>from Germany                    |  | 3      |
| Hydrocyanic acid                         | bitter almonds   | Spain  |  | 5      |
|  | organic apricot kernels,<br>apricot kernels                | Pakistan, UK (raw mat.<br>Uzbekistan), Turkey            | 1,110 mg/kg  | 10     |
| Iodine                                   | seaweed  | China, Spain, Japan,<br>Rep. of Korea                    | up 5,492 mg/kg   | 36     |
|  | ready meal   | Japan  | 150 mg/kg  | 1      |
| <b>Pharmacological Active Substances</b> |  |  |  |        |
| 1,3-Dimethylbutylamine<br>(DMAA)         | food supplement  | USA  |  | 2      |
| 2,4-Dinitrophenol (DNP)                  | food supplement  | Malaysia, Russian<br>Federation, Turkey,<br>unknown, USA |  | 11     |
| Anthraquinone                            | tea  | China  |  | 2      |

| Reason for Notifying                      | Product   | Country of Origin   | Notes                           | Number |
|---|---|---|---------------------------------|--------|
| Diclofenac                                | horsemeat, donkey meat                                | Romania, Belgium (raw material Spain)                                       |                                 | 3      |
| Ivermectin                                | beef product  | Brazil  |                                 | 2      |
| Lasalocid                                 | eggs  | Poland  | 606 µg/kg                       | 1      |
| Leucomalachite green                      | carp, trout   | White Russia, Czech Rep.  |                                 | 4      |
| Nitrofurans/ -metabolites                 | prawns  | India, Vietnam  |                                 | 25     |
| Ofloxacin                                 | tilapia fish, catfish                                 | Vietnam   | 2.2 µg/kg                       | 2      |
| Sildenafil                                | food supplement                                       | Austria, Spain  |                                 | 22     |
| Tadalafil                                 | food supplement                                       | Spain   |                                 | 3      |
| Tetracyclines                             | eggs, veal, pig carcasses, salmon fillet, rabbit meat | Slovakia, Belgium, Chile, Netherlands, Italy                                | up 417.7 µg/kg (oxytetracyclin) | 12     |
| <b>Unauthorised Colours</b>               |   |   |                                 |        |
| Auramine O                                | spice blend   | Bangladesh  |                                 | 1      |
| Rhodamine B                               | beets   | Syria   |                                 | 1      |
| Sudan I, Sudan III, Sudan Red G, Para Red | chili powder, spice blend                             | Rep. of Georgia   |                                 | 5      |
| Sudan IV                                  | palm oil  | Ghana, Guinea, UK   | up 630 µg/kg                    | 10     |
| <b>Miscellaneous</b>                      |   |   |                                 |        |
| Parasite infestation with anisakis        | European hake, fish, mackerel, anchovies, monkfish    | Spain, Iceland, Denmark, UK   |                                 | 34     |
| Pyrrolizidine alkaloids (PA)              | flower pollen, borage                                 | Spain, Poland   |                                 | 4      |
| GMO not authorized                        | rice, rice gnocchi                                    | China   | (rice)                          | 3      |
|   | corn flour  | USA   |                                 | 27     |
| Irradiation                               | food supplement, frog legs                            | Russian Federation, Venezuela, Vietnam                                      |                                 | 4      |
| Food dependent disease outbreak           | oysters, mussels                                      | France, Spain   |                                 | 41     |
|   | raw milk cheese                                       | France  |                                 | 47     |
|   | eggs, pork, sausage, horsemeat                        | Netherlands, Spain, Belgium (partly produced Romania) with raw mat. Hungary |                                 | 21     |
|   | infant formula  | Spain, Netherlands, Germany, Ireland  |                                 | 15     |
|   | pesto   | Italy   | (botulinum toxin)               | 8      |
|   | tuna  | Vietnam, Netherlands (raw mat. Sri Lanka)                                   |                                 | 3      |
|   | sailfish  | Spain   |                                 | 2      |
|   | strawberries, dates                                   | Poland, Iran  |                                 | 10     |
|   | camel milk  | Netherlands   | (brucellosis)                   | 5      |

| Reason for Notifying                    | Product  | Country of Origin  | Notes | Number |
|---|--|--|-------|--------|
| <b>Pathogenic Germs</b>                 |  |  |       |        |
| Salmonella<br>total: 517                | infant formula   | France   |       | 2      |
|   | meat / meat products   |  |       | 232    |
|   | catfish, prawns, snails  | Vietnam, Morocco   |       | 5      |
|   | eggs, egg products   | Germany,<br>Netherlands, Belgium   |       | 21     |
|   | raw milk cheese, raw milk goat<br>cheese   | France   |       | 24     |
|   | sesame seed  | Ethiopia, India,<br>Nigeria, Sudan,<br>Turkey, Poland  |       | 70     |
|   | spices   | various countries  |       | 37     |
|   | linseed, coconut flakes,<br>almonds, pine nuts   | Kazakhstan, Indo-<br>nesia, USA, China   |       | 29     |
|   | organic salad, nettle leaves,<br>sprouts, cucumbers, pesto,<br>fruit mixture                       | Italy, Germany,<br>France, Spain,<br>Belgium   |       | 54     |
|   | ready meal, food supplement  | Belgium, UK,<br>Germany, France  |       | 43     |
| <i>Listeria<br/>monocytogenes</i>       | fish / fish products   |  |       | 21     |
|   | cheese, raw milk cheese, raw<br>milk sheep cheese, sheep<br>cheese, goat cheese, truffle<br>cheese | Belgium, Italy,<br>Hungary, France   |       | 31     |
|   | meat / meat products   |  |       | 37     |
|   | organic crackers, ready meal,<br>prawn salad, salad,<br>vegetables, spinach, snails,<br>ice cream  | Romania, Belgium,<br>France, Netherlands,<br>Czech Rep., Poland,<br>Spain, Hungary, UK,<br>Morocco                           |       | 115    |
|   | fruit mixture  | Belgium  |       | 14     |
|   | corn   | France, Spain,<br>Hungary  |       | 80     |
| Shigatoxin producing<br>E.coli          | meat / meat products   | Australia, Uruguay,<br>UK, France (partly raw<br>mat. Poland), New<br>Zealand, Argentina,<br>Belgium, Brazil,<br>Netherlands |       | 48     |
|   | cheese, raw milk cheese  | France   |       | 21     |
|   | wheatgrass powder, herbal<br>mixture   | Germany  |       | 15     |
| <i>Campylobacter (coli,<br/>jejuni)</i> | chicken legs, chicken breast<br>fillet, chicken  | France, Poland   |       | 5      |
| <i>Vibrio<br/>parahaemolyticus</i>      | prawns   | Vietnam  |       | 2      |
| Hepatitis A Virus                       | mussels  | Turkey   |       | 3      |
|   | strawberries   | Egypt  |       | 1      |

| Reason for Notifying | Product                                 | Country of Origin  | Notes | Number |
|----------------------|---|--|-------|--------|
| Norovirus            | oysters, pacific crupped oysters        | France, Nethrlands                                       |       | 10     |
|                      | raspberries, blackcurrants, blueberries | Serbia, Poland, Lithuania (packed in Poland, via France) |       | 7      |

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