

## No. 5 – October 2018

### Sentences

■ **Honey portion packs:** The Bavarian Administrative Court (Bayerischer Verwaltungsgerichtshof (BayVGH)) decided on 3 May 2018 that single honey portion packs must also be provided with the indication of the countries of origin of the honey when these are not intended for sale by retail but are marketed in a collective box (Ref. 20 BV 16.1961). The BayVGH had submitted the question of a labelling obligation to the European Court of Justice (ECJ) and the latter decided on 22 September 2016 that, according to the foodstuffs labelling directive (Directive 2000/13/EC) and the European honey directive (Directive 2001/110/EC), honey portion packs must be provided with a reference to the countries of origin (Ref. C-113/15). In the view of the BayVGH, the previous legal situation did not change through the Food Information Regulation (Regulation (EU) No. 1169/2011), which is now applicable.

This sentence makes it clear that the contrary decision from the 79<sup>th</sup> working conference of the working group of experts that deals with the field of food hygiene and food of animal origin (ALTS) regarding small packs is not legally binding.

■ **"New genetic engineering":** The ECJ decided on 25 July 2018 that organisms that were obtained by mutagenesis are genetically modified organisms (GMO) and that these, as a matter of principle, are subject to the obligations that are stipulated in the GMO Directive (Ref. C-528/16). More details are given in Press Release No. 111/18 of the ECJ.

Initially, the Federal Office of Consumer Protection and Food Safety (BVL) stated in its decision dated 5 February 2015 that the herbicide-resistant rape lines that were produced by the Cibus company by means of the Rapid Trait Development Systems (RTDS) are not considered to be genetically modified organisms in the sense of the law on genetic engineering. Against the background of the ECJ sentence, the BVL has revoked its "Cibus rape decision" (in German:

[https://www.bvl.bund.de/DE/06\\_Gentechnik/04\\_Fachmeldungen/2018/2018\\_08\\_17\\_Fa\\_Cibus\\_Raps\\_Bescheid.html](https://www.bvl.bund.de/DE/06_Gentechnik/04_Fachmeldungen/2018/2018_08_17_Fa_Cibus_Raps_Bescheid.html)).

### 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 111<sup>th</sup> conference:

■ **LMIV – Repetition of the calorific value in the main field of view:** If the calorific value is repeated several times in the main field of view, the requirements of Section 3 of the Food Information Regulation ((LMIV) Regulation (EU) No. 1169/2011) regarding the nutrition declaration need to be observed, respectively.

■ **Labelling of mixtures of honeys of different botanical origins:** As regards mixtures of honeys of different botanical origins that were produced by humans, and that are individually mentioned in the designation, the quantities of the respective honeys (QUID) and a list of ingredients need to be indicated on the label.

■ **Customary usage of beer with the designation "export":** According to the view of the Work Group, a general customary usage for export beer has firmed up, according to which the wort content amounts to at least 12.0 % for these beers.

■ **LMIV – Nutrition declaration for dried fruit:** Since dried fruit is a processed food product, nutrition labelling is mandatory.

■ **Protection of the designations that are mentioned in the "jam regulation" (Konfitürenverordnung (KonfV)):** spreads made of vegetable species other than what is mentioned in the KonfV can be confused with the jams and jellies that are defined in the regulation. The designations in KonfV must, therefore, not be used for such products.

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

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

## EFSA publications

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

■ Statement regarding tolerable upper daily intake levels for vitamin D for infants: The EFSA has now maintained the tolerable upper intake level (UL) for vitamin D of 25 µg/day for infants up to six months. Initially, this level was defined in 2012 for infants up to one year. For infants of six to 12 months, a UL of 35 µg/day was stipulated. An exposure assessment showed that the use of infant food with a permissible maximum content of 3 µg/100 kcal of vitamin D could lead to the fact that infants up to four months would intake more than the UL of 25 µg/kg. For more details, please refer to

<http://www.efsa.europa.eu/de/efsajournal/pub/5365>

<http://www.efsa.europa.eu/de/supporting/pub/en-1456>.

■ Statement regarding health risks through the mycotoxin 4,15-diacetoxyscirpenol (DAS): The DAS mycotoxin belongs to the Fusarium toxins and predominantly occurs in cereals. As an acute reference dose (ARfD), 3.2 µg/kg body weight were defined, and as a tolerable daily intake (TDI) a value of 0.65 µg/kg body weight. For further details, please refer to

<http://www.efsa.europa.eu/de/efsajournal/pub/5367>.

## Miscellaneous

■ BfR – Evaluation of the lead and cadmium contents: In its Statement No. 026/2018 dated 7 August 2018, the German Federal Institute for Risk Assessment (Bundesinstitut für Risikobewertung (BfR)) evaluated the contents of lead and cadmium in food for infants and young children with regard to health relevance. For Germany, the BfR arrives at the conclusion that, currently, health impairment through cadmium is not likely as far as the tested products are concerned. Since, however, no safe intake quantity can be given for lead regarding the developmental neurotoxic effects on children, the exposure should, as a matter of principle, be reduced to the achievable minimum. For further details, please refer to

[https://www.bfr.bund.de/de/bfr\\_stellungnahmen\\_2018.html](https://www.bfr.bund.de/de/bfr_stellungnahmen_2018.html) (only in German).

■ Labelling of olive oil: The delegated Regulation (EU) 2018/1096 of the Commission from 22 May 2018 regarding the modification of Implementing Regulation (EU) No. 29/2012 concerning the provisions on certain indications on the labelling of olive oil was published on 3 August 2018 in the Official Journal of the European Union (Official Journal L 197, Page 3). The regulation came into force on 6 August 2018 and the provisions according to Article 1 No. 1 shall be applied with

effect from six months after the day of entry into force. Olive oil that was already labelled before this date can be marketed until the respective stocks are exhausted

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1534852964050&uri=CELEX%3A32018R1096>).

■ Geographical indications regarding bread – BLL directive: The German Federation for Food Law and Food Science (Bund für Lebensmittelrecht und Lebensmittelkunde e.V (BLL)) published the revised version of the "Directive on the use of geographical indications for bread designations (2018)". The latter replaces the previous "Directive for bread and biscuits" and is available in German at

<https://www.bll.de/de/infomaterial/richtlinien>.

■ Novel food: The Implementing Regulation (EU) 2017/2470 of the Commission for the establishment of the Union list of novel food was modified by further implementing regulations. With Implementing Regulation 2018/1023, the Union list in the Annex of Implementing Regulation 2017/2470 was entirely replaced. In addition, however, other implementing regulations were published in the Official Journal of the European Union that further modify this Union list. In this respect, the marketing of lysozyme hydrolysate from chicken protein was approved as a novel food (Implementing Regulation 2018/991), and the extensions of the use of UV-treated baker's yeast (Implementing Regulation 2018/1018), UV-treated mushrooms (Implementing Regulation 2018/1011) and the oil from the *Schizochytrium sp.* Microalgae (Implementing Regulation 2018/1032) were permitted.

■ Maximum residue levels (MRLs): With Regulation (EU) 2018/960 of the Commission, the MRLs of lambda-cyhalothrin were modified (Official Journal L 169 from 6 July 2018, Page 27). The regulation came into force on 26 July 2018 and will apply from 26 January 2019.

■ Residues from veterinary medicinal products: With Implementing Regulation (EU) 2018/1076 of the Commission from 30 July 2018, the use of isoflurane was also approved for pigs (Official Journal L 194 from 31 July 2018, Page 41). The regulation came into force on 20 August 2018 and applies since 29 September 2018.

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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 31 July 2018 and 10 September 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: 81	nuts, nut products, figs, pistachios, peanuts, almonds, melon kernels, apricot kernels			70
	chili, ogbono, sauce	India, Nigeria, Thailand		3
	paprika powder	Germany (raw material Spain), Sri Lanka, Turkey	B1: 10.7 µg/kg	5
	banku flour	Ghana	B1: 8.1 µg/kg; total: 11.0 µg/kg	1
	basmati rice	unknown via UK		2
Ochratoxin A	raisins, sultanas	Turkey	up 32.6 µg/kg	4
	organic buckwheat flour, organic oat	UK, Czech Republic	69 µg/kg	5
	chili powder, paprika powder	India, China		6
	coffee	Vietnam		1
	soy beans, soy product	India		6
Fumonisin	polenta	Italy		3
<b>Heavy Metals / Other Metals</b>				
Lead	food supplement	France	32.6 mg/kg	3
	potatoes	Greece		3
Cadmium	horsemeat	Romania	0.89 mg/kg	5
	asparagus	Peru	0.179 mg/kg	2
	spinach	Belgium		1
	fish/fish products, molluscs	Spain, India, New Zealand	up 1.53 mg/kg	11
Mercury	fish / fish products			29
<b>Other Contaminants / Residues</b>				
Tropane alkaloids (Atropin, Scopolamin)	herbal tea, popcorn	Poland, France		3
Benzo(a)pyrene, PAH	sunflower oil	Russian Federation, Ukraine	Benzo(a)pyrene: 3.8 µg/kg; PAH: 15.5 µg/kg	2
	coconut oil, palm oil	UK, Guinea		4
	food supplement, fish	Spain, Belgium		2
Glycidyl esters	plant-based oil	Belgium, Netherlands	up 1.61 mg/kg	4
Shellfish poisoning toxins (DSP)	mussels	Portugal		2

Reason for Notifying	Product	Country of Origin	Notes	Number
Histamine	fish / fish products		up > 2,500 mg/kg	18
Ethyl carbamate	cherry spirit	Belgium (with raw material Germany)		1
Hydrocyanic acid	apricot kernels	Turkey	up 83.0 mg/kg	9
Iodine	seaweeds	China, Korea, Spain, unknown, Netherlands, Hongkong	up 5,605 mg/kg	34
<b>Pharmacological Active Substances</b>				
1,3-Dimethylbutylamine (nor-DMAA)	food supplement	unknown		1
2,4-Dinitrophenol (DNP)	food supplement	Russian Federation, unknown		3
Diclofenac	poultry	Brazil		2
Ivermectin	beef product	Brazil		1
Naproxen	horsemeat	Brazil		1
Nitrofurans/ -metabolites	prawns, Pangasius fillets	India, Vietnam		7
Sildenafil	food supplement	Latvia, Austria, USA		3
Sulfonamides	pork	Italy	(Sulfadimethoxin)	9
Tadalafil	food supplement	USA		1
Tetracyclines	sushi	Vietnam	(Oxytetracyclin)	1
<b>Unauthorised Colours</b>				
Rhodamine B	beets	Lebanon		1
Sudan I, Sudan III, Sudan Red G, Para Red	spice blend	Georgian Republic		1
Sudan IV	palm oil	Guinea		2
<b>Miscellaneous</b>				
Parasite infestation with anisakis	European hake, mackerel, anchovies, wolffish	Spain, France, Croatia, Iceland		12
Pyrrolizidine alkaloids (PA)	organic chamomile tea	Denmark	12,541 µg/kg	1
GMO not authorized	organic rice noodles	China	(rice)	2
	corn flour	USA		15
Irradiation	food supplement	Russian Federation		2
Food dependent disease outbreak	mussels	Spain		2
	raw milk goat cheese	France		22
	pork	Spain (via Czech Rep.)		4
	infant formula	Netherlands and Germany, Ireland		6
	food supplement	UK		1
	yellowfin tuna	Italy		3
	sailfish	Spain		1
	strawberries	Poland		1

Reason for Notifying	Product	Country of Origin	Notes	Number
<b>Pathogenic Germs</b>				
Salmonella total: 203	meat / meat products			80
	bighead catfish, mussels	Vietnam, France		2
	eggs, organic eggs	Germany, Malta, Netherlands		8
	raw milk sheep cheese	France		5
	spices	Spain (partly raw mat. Vietnam), Guatemala, India, Vietnam, Italy, Thailand		53
	sesame seed	Nigeria, Poland, Sudan, Uganda		22
	organic almonds, coconut flakes, pine nuts	Italy, Indonesia Singapore, China		15
	baking mix, ready meal, salad, water spinach, teff	Hungary, UK, Netherlands, Thailand, South Africa		9
	goosegrass (Klebkraut)	Hungary (partly raw mat. Romania)		4
	gelatin	Germany (packed in Italy)		2
	crocodile meat	Zimbabwe		3
<i>Listeria monocytogenes</i>	meat / meat products	Germany, Italy, Poland		8
	fish / fish products	UK, Belgium, Estonia, Latvia, Netherlands, Poland, Spain, Ireland		27
	prawns, snails	Poland, Spain, France		8
	cheese, raw milk cheese, sheeps cheese, raw milk sheeps cheese, goat cheese, raw milk goat cheese, mozzarella	Italy, Belgium, France		17
	vegetables, corn, spinach	Belgium, Poland, UK, Hungary (partly packed in Poland)		68
	falafel, ready meal, ice cream	France, Czech Rep., UK		10
	Shigatoxin producing <i>E.coli</i>	chicken breast fillet	Belgium	
venison		UK		2
ground beef		Belgium		1
beef		Argentina, Brazil, Uruguay		20
raw milk goat cheese		France		2

Reason for Notifying	Product	Country of Origin	Notes	Number
<i>Campylobacter (coli, jejuni)</i>	chicken breast	France		2
Hepatitis A Virus	mussels	Turkey		1
Norovirus	pacific crupped oysters	France		1
	sour cherries, currants, blackcurrants	Poland		7

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