

No. 1 – February 2019

Guidelines for vegan/vegetarian foodstuffs

In the conflict regarding the correct designation for vegan or vegetarian meat analogues (for example vegetarian "sausage" or vegetarian "roasts"), applications were filed in 2017 to the Deutsche Lebensmittelbuchkommission ((DLMBK) German Food Code Commission) both from the Deutsche Fleischer-Verband ((DFV) German Butcher's Association) and the ProVeg Association. On 20 December 2018, the "Guidelines for vegan and vegetarian foodstuffs with a similarity to foods of animal origin" were finally published as a revised version in the German Federal Gazette (BAnz AT 20 December 2018 B1). Besides definitions as to which foodstuffs are considered to be vegan or vegetarian, the guidelines include, in particular, regulations for the designation of products that resemble certain meat/fish products or delicatessen salads with ingredients of animal origin. Depending on the similarity of the substitutes to the actual foods of animal origin, the following analogies to designations were, amongst others, classified as common or uncommon:

- Amongst others, analogies to designations of grown pieces of meat, offal, whole fish/crustaceans/molluscs (e.g. "fillet", "steak", "kidney", "tails" and "tubes") and for specific sausage products/fish products/delicatessen salads (e.g. "Lyon"-type sausage, "salami", "curled strips of smoked dogfish", "fish fingers", "caviar" and "chicken salad") are uncommon.

- Analogies to designations of sliced meat/pieces/chopped meat, categories of sausage products, sliced fish and mollusc pieces/chopped fish, categories of fish products (e.g. "schnitzel", "goulash", "strips", "meat balls", "sausage spread", "fried sausage", "slice", "appetizer", "fried fish product") are common.

The exact wording (in German) can be found at https://www.bmel.de/SharedDocs/Downloads/Ernaehrung/Lebensmittelbuch/LeitsaetzevegetarischeveganeLebensmittel.pdf?__blob=publicationFile.

Note: The guidelines of the DLMBK are not legally binding but can be considered as an expert report and serve as an interpretation aid.

EFSA publications

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

■ **Dioxins and dioxin-like PCBs:** The EFSA published a new risk assessment for dioxins and dioxin-like polychlorinated biphenyls (dl-PCBs) in food and feed. The value for the tolerable weekly intake (TWI) for dioxins and dioxin-like PCBs that was derived from the studies was reduced from 14 pg to 2 pg per kg body weight and week.

For further details, please refer to

<https://www.efsa.europa.eu/en/efsajournal/pub/5333>

■ **Perfluorinated compounds PFOS and PFOA:** In a new risk assessment regarding the perfluorinated compounds perfluorooctane sulphonic acid (PFOS) and perfluorooctanoic acid PFOA) in food, the EFSA derived new guide values for the tolerable weekly intake (TWI).

The preliminary value for PFOS is 13 ng per kg body weight (BW) and week, and for PFOA 6 ng per kg BW and week. You can find the statement and also the minutes of the exchange of the EFSA with the national risk assessment authorities at

<https://www.efsa.europa.eu/en/efsajournal/pub/5194>

News from the BfR

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

■ **Microplastics:** In its communication No. 033/2018 dated 29 October 2018, the BfR summarises the findings regarding the possible health risks of microplastics for humans and concludes that more research and scientific data are required.

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

■ **Opium alkaloid thebaine in poppy:** The content of the opium alkaloid thebaine should be reduced to the largest possible extent. This is recommended by the BfR in Statement No. 039/2018 from 7 December 2018.

■ **THC in hemp-containing food:** In many hemp-containing foods, the contents of tetrahydrocannabinol (THC) are too high and may result in health impairments. Therefore, the BfR advises to further

minimise the THC contents (Statement No. 034/2018 dated 8 November 2018).

■ Non-dioxin-like PCBs in food and feed: Via the food chain, non-dioxin-like polychlorinated biphenyls (NDL-PCBs) may reach humans from the feed via the animal. Therefore, NDL-PCBs are undesired in food and feed (Communication No. 037/2018 dated 3 December 2018).

■ Venison: Meat from wild animals can contain parasites which may affect humans' health if the meat is not prepared in a hygienically perfect manner. It is, therefore, recommended to fully cook venison and also raw sausages and raw meat products that are produced thereof before consumption (Statement No. 045/2018 and Press Release 44/2018 dated 21 December 2018).

For further information, please refer to www.bfr.bund.de.

Modifications regarding pesticides

■ Pesticides with the active agents propiconazole, quinoxifen and flurtamone: With Implementing Regulations (EU) 2018/1865, 2018/1914 and 2018/1917, the European Commission stipulated the termination of the approval of these three active agents (in German:

https://www.bvl.bund.de/DE/04_Pflanzenschutz-mittel/06_Fachmeldungen/2018/2018_12_11_Fa_Ni_chterneuerung_Genehmigungen_Propiconazol_Quinoxifen_Flurtamone.html).

■ Maximum residue levels (MRLs) - Iprodione: With Regulation (EU) 2019/38, the MRLs of the pesticide active agent iprodione were reduced to the limit of analytical detection (Official Journal L 9 from 11 January 2019, Page 94). The regulation came into force on 31 January 2019 and will apply from 31 July 2019, directly in every Member State. There is no transition period.

Sentences

■ The taste of a food product cannot be covered by copyright: According to an ECJ sentence from 13 November 2018, the taste of a food product cannot be covered by copyright. Such a protection is only possible in the case of a "creation" which can be identified sufficiently precisely and objectively. It is this "precise and objective identification of the taste of a food product which enables it to be distinguished from the taste of other similar products" that is impossible with technical means at the current state of scientific development (ECJ from 13 November 2018, C-310/17). The press release of the ECJ can be found at

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-11/cp180171en.pdf>.

■ Indication of the eco-control-number in the Internet trade: When a food product is traded as "organic" in the Internet trade, the code number of the organic inspection body needs to be indicated. In the judgement of the Higher Regional Court of the city of Celle, Germany, this code number can also be shown on a linked page, together with further

product information (Higher Regional Court of Celle, 11 September 2019, Ref. 13 W 40/18).

■ "Advocaat" must not contain milk as an ingredient: The European Court of Justice (ECJ) decided on 25 October 2018 that the listing with the ingredients of advocaat that is included in Appendix II of Regulation (EC) No. 110/2008 is considered to be final. Ingredients (e.g. milk) other than the listed ones are, therefore, not permissible (ECJ from 25 October 2018, Ref. C-462/17).

Note: Within the scope of the amendment of the EU Spirit Drinks Regulation, there will be a modification according to which the addition of milk, cream etc. will be allowed. As things stand, the publication of the regulation can be expected in the course of 2019.

Miscellaneous

■ Octyl gallate and dodecyl gallate – deletion from the Union list: By Regulation (EU) 2018/1481 dated 4 October 2018, the additives octyl gallate (E 311) and dodecyl gallate (E 312) were deleted from the list of approved food additives. The variations regulation came into force on 25 October 2018. Foods that were legally marketed prior to the date of applicability of the regulation may be marketed until 25 April 2019.

■ Flavours – deletion from the Union list: With Regulation (EU) 2018/1649 dated 5 November 2018, the entries regarding the flavour substances p-mentha-1,4(8)-dien-3-one, 2-aminoacetophenone and 4-acetyl-2,5-dimethylfuran-3(2H)-one were deleted from Appendix I Part A of Regulation (EC) No. 1334/2008. The variations regulation came into force on 26 November 2018. Foods that were legally marketed prior to this date may be marketed until their expiration or consumption date.

■ Novel food – Expansion of the Union list: Implementing Regulation (EU) 2017/2470 of the Commission for the preparation of the Union list of novel food was modified by further implementing regulations and with them, the following raw products were approved as traditional foods from a third country:

- Berries from *Lonicera caerulea* L. ("haskaps") (Implementing Regulation 2018/1991, has applied since 6 January 2019),

- Hulled grains from *Digitaria exilis* (Kippist) Stapf ("fonio") (Implementing Regulation 2018/2016, has applied since 8 January 2019),

- Syrup from *Sorghum bicolor* (L.) Moench (sorghum syrup) (Implementing Regulation 2018/2017, has applied since 8 January 2019).

■ Trans fatty acids (TFA): In October 2016, the EU Parliament required binding limit values for industrial trans fatty acids (non-ruminant TFA). As things stand, there is only one draft regulation which stipulates a maximum content of 2 g of non-ruminant TFA/100 g fat. The marketing of foods that do not meet these requirements will be prohibited as of 2 April 2021.

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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 7 November 2018 and 22 January 2019**.

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: 233	nuts, nut products, figs, pistachios, peanuts, almonds, melon kernels, apricot kernels			218
	popcorn maize	France (partly raw mat. Portugal)		9
	organic chia seeds	Austria (partly raw mat. Germany)	B1: 70.4 µg/kg; total: 79.3 µg/kg	3
	organic paprika powder, paprika powder	Spain (partly raw mat. China)	B1: 6.6 µg/kg	2
	rice	India	B1: 6.1 µg/kg	1
Ochratoxin A	raisins, raisin product, sultanas, mulberries	India, Turkey, Uzbekistan, United Arab Emirates	up 73.16 µg/kg	29
	figs	Turkey	up 189 µg/kg	5
	popcorn maize	France (raw mat. Portugal)		9
	organic buckwheat flour, organic porridge, organic rye	UK, Switzerland, Czech Republic	up 6.4 µg/kg	6
	food supplement	India	54.81 µg/kg	3
	pistachios	unknown, USA	96 µg/kg	3
Deoxynivalenol (DON)	oat flakes, oat products	UK	up 1,461 mg/kg	21
	muesli	Switzerland	15.28 mg/kg	5
Fumonisin	polenta	Italy		3
Patulin	apple puree	Chile		1
Heavy Metals / Other Metals				
Lead	pastry, food supplement	France, Netherlands		3
	raw sausages	Italy, Spain	4.6 mg/kg	3
	venison, game goulash	Italy, Slovenia (raw mat. Hungary)	up 2.7 mg/kg	3
Cadmium	organic cocoa powder	Austria (partly raw mat. Peru)		5
	lobster, mussels, octopus, giant squid, cuttlefish, swordfish fillet	Ecuador, UK, Vietnam, India, Spain	1.3 mg/kg	10
	horsemeat	Belgium, Romania	up 0.35 mg/kg	5
	asparagus, spinach	Peru, Netherlands		4
Mercury	Fish / fish products			81
	colouring indigotine (E 132)	India	14.2 mg/kg	3
Aluminium	green tea	Germany (raw mat. Japan)	up 1,910 mg/kg	19

Reason for Notifying	Product	Country of Origin	Notes	Number
Nickel	biscuit, sweets	China, Indonesia	up 197 µg/kg	2
Zinc	baby spinach	Italy	4,347 mg/kg	2
Other Contaminants / Residues				
Benzo(a)pyrene, PAH	sunflower oil, organic coconut oil	Russ. Federation, Netherlands		7
	spice, garlic	Cameroon, China		5
	chlorella	China	Benzo(a)pyrene: 328.7 µg/kg; PAH: 1,593.3 µg/kg	7
	ginko leaves	Hungary (raw mat. China, Germany)	PAH: 284.62 µg/kg	3
	organic sunflower lecithin, organic soya lecithin	China	PAH: 16.8 µg/kg	7
	spare ribs	Poland	PAH: 33.6 µg/kg	1
	food supplement	China, Belgium (raw mat. China, UK)	PAH: 71.62 µg/kg	8
Dioxin	chicken breast	Belgium (partly raw mat. Netherlands)		3
Non-dioxin-like polychlorinated biphenyls (NDL-PCBs)	eggs	Germany	up 92.39 µg/kg	1
Mineral oil (MOSH, MOAH)	cereal product	Sweden	MOSH: 8,777.6 mg/kg MOAH: 37.7 mg/kg	3
Diethylhexylphthalate (DEHP)	anchovies	Peru	3.4 mg/kg	7
Chlorate	food supplement	Germany (partly raw mat. Switzerland)		5
Acrylamide	pastry	Netherlands		2
3-Monochlorpropandiol (3-MCPD)	soy sauce	Philippines		1
Glycidyl esters	fat, grape seed oil	Sweden, Spain	up 1.1 mg/kg	7
Tropan alkaloids (Atropin, Scopolamin)	organic buckwheat flour, organic muesli	France, Austria	Atropin: 53 µg/kg; Scopolamin: 20 µg/kg	11
Morphine	poppy	Poland, Czech Rep.	15.5 mg/kg	3
Shellfish poisoning toxins (ASP, PSP)	scallops, king scallop	Belgium, UK	1,137 µg/kg (PSP)	4
Ergot (<i>Claviceps purpurea</i>)	rye, rye flour	Luxemburg, Belgium	617 µg/kg	2
Histamine	fish / fish products		up 1,088 mg/kg	49
Coumarin	cereal product	Lithuania	27.3 mg/kg	1
Ethyl carbamate	plum brandy	Belgium (partly raw mat. France)	11,375 mg/kg	2
Hydrocyanic acid	organic apricot kernels, apricot kernels	Germany (raw mat. Poland, Pakistan), Turkey, India	up 2,723 mg/kg	33
	apricot kernel cream	Russ. Federation	51 mg/kg	1
Iodine	algae, seaweed	Rep. Korea, Japan	up 3,725 mg/kg	9
Nitrate	spinach	Italy	4,286 mg/kg	4

Reason for Notifying	Product	Country of Origin	Notes	Number
Pharmacological Active Substances				
2,4-Dinitrophenol (DNP)	food supplement	China, Malaysia, Turkey, Brazil, unknown		18
Abamectin	corned beef	Brazil		1
Anthraquinone	green tea, tea	China, Vietnam	up 0.13 mg/kg	27
Chloramphenicol	pig casings	China	0.45 µg/kg	3
Diclofenac	chicken meat	Poland		1
Flufenamic acid	carcass of horse	Belgium	13.5 µg/kg	1
Crystal violet, Leucomalachite green	pangasius fillets, fish, catfish	Vietnam	40.44 µg/kg (Leucomalachite green)	4
Naproxen	horsemeat	Brazil		1
Nitrofurantoin / -metabolites	prawns	India		2
	pangasius fillets	Vietnam	1.71 µg/kg (SEM)	3
	pig casings	China	14 µg/kg (AMOZ)	3
Norfloxacin, Ofloxacin	fish paste	Vietnam	Norfloxacin: 17 µg/kg; Ofloxacin: 183 µg/kg	1
Sildenafil	food supplement, tea product	Spain, UK, Romania, China, Slovakia		26
Synephrine	food supplement	Hungary, USA		5
Tadalafil	food supplement	China, Slovakia		8
Tetracyclines	Chicken meat, rabbit meat	Poland, France	(Doxycyclin)	8
	fish, salmon fillets	Japan, Chile	(Oxytetracyclin)	6
Vardenafil	food supplement	China, Slowakei		5
Yohimbine	food supplement	USA		16
Unauthorized Colours				
Rhodamine B	beets	Syria, Lebanon	89 µg/kg	14
Sudan I, Sudan IV	chili powder	Georgian Republic, Turkey	Sudan I: 1,142 µg/kg; Sudan IV: 330 µg/kg	2
Miscellaneous				
Parasite infestation with anisakis	tusk, anchovies	Faroe Islands, Spain (raw mat. Portugal, France)		6
Rosary peas	pepper mixture	Tunisia		1
Pyrrolizidine alkaloids (PA)	food supplement	France	25,984 µg/kg	2
	oregano	Germany (raw mat. Turkey), Austria	up 32,400 µg/kg	15
GMO not authorized	papaya	Thailand		1
	corn flour	USA		1
Irradiation	food supplement, ginger	Poland, Russ. Federation, Singapore		7
Food dependent disease outbreak	oysters, pacific crupped oysters	France, Ireland		8
	fish, trout fillets, salmon products	Italy (raw mat. Spain), Sweden (packed in Norway), Germany		8
	meat products, salami	UK, Spain		11

Reason for Notifying	Product	Country of Origin	Notes	Number
	liquid egg white	France (raw mat. Spain, Germany, Netherlands)		14
	raw milk cheese	France		3
	strawberries	Poland		4
	rocket salad	Italy		4
	rice milk	Spain		2
	sesame paste	Israel		8
	chocolate	France		1
	various foods	UK		31
Pathogenic Germs				
Salmonella total: 478	quails, frog's legs, crocodile meat	Italy, Vietnam, Zimbabwe		6
	other meat / meat products			314
	organic mussels, mussels, prawns, tiger prawns	Italy, Greece, Spain, Germany, Vietnam		22
	eggs, egg powder, liquid egg	Poland, Slovakia (partly raw mat. Poland), Ukraine		10
	raw milk cheese, cheese, milk powder products	France, Denmark, Ireland		13
	rice milk, cornflakes	Spain, UK		5
	spices, spice product	Spain, Guatemala, India, Germany, Netherlands, Brazil, Vietnam, Italy, unknown		27
	nettle leaves, organic rocket salad, rocket salad	Albania, Italy		6
	sesame, sesame products	India, Poland, Uganda, Syria, Israel, Burkina Faso, Nigeria, Sudan, Czech Republic		58
	hazelnuts, pine nuts	Germany, Spain, China		3
	fruit mixture, blueberries	Belgium, Poland (raw mat. Ukraine)		2
	gelatin leaves	Germany		7
food supplement	Philippines		5	
<i>Listeria monocytogenes</i>	meat / meat products	Austria, France, Bulgaria, Belgium, UK, Ireland, Hungary, Denmark, Italy		31
	fish / fish products	Belarus, Denmark, Latvia, Poland, Spain (raw mat. Norway), UK, Germany, Estonia, Belgium, China		112

Reason for Notifying	Product	Country of Origin	Notes	Number
	surimi and crab salad	Belgium		1
	pasta product	France		15
	butter, cream cheese, cheese, mozzarella	Ireland, Italy, France, Netherlands		8
	vegetables, corn, fruit mixture	Belgium, Poland, Hungary		18
	mushrooms (Enoki)	Rep. Korea		5
Enteropathogenic E.coli (EPEC)	lamb	UK		3
	goat cheese, raw goat milk cheese	France		12
Shigatoxin producing E.coli	lamb / lamb products	UK		2
	beef, minced beef	Argentina, Brazil, Italy		9
	raw meat product	Austria		1
	cheese, soft cheese	Italy, France		2
	shoots	Germany (raw mat. Italy)		2
<i>Campylobacter (coli, jejuni)</i>	chicken meat products	Poland, France		4
Pathogenic Vibrio (<i>alginolyticus, cholerae, mimicus, parahaemolyticus</i>)	mussels, prawns, squid	Italy, India		10
Hepatitis A Virus	mussels	Spain (packed in Italy)		2
Norovirus	pacific crupped oyster	France		3
	venus clams	Vietnam		3
	razor clams	Netherlands		3

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