

No. 3 – June 2019

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 112th conference:

- LMIV – Assessment of word and figurative marks under the labelling law aspects: besides specific legal provisions (trademark act), registered word and figurative marks are also subject to the labelling law provisions for food. For certain foodstuffs, therefore, the use of a word and figurative mark can be misleading (Article 7 of Regulation (EU) No. 1169/2011, LMIV). This may be the case, for example, when a picture with a reference to the food product or a word mark of terms that make clear literal sense regarding the food product is attached.
- LMIV – Designation of the composed ingredients consisting of fruit and fruit juice: the designations "fruit" or "fruit mixtures" are no legally specified or common designations for a composed ingredient of fruit and fruit juice. Therefore, the fruit needs to be indicated separately from the designation "fruit juice" in the list of ingredients.
- Geographical indications regarding spirits: if a designation is used for a spirit which is very similar to a geographical indication that is enlisted in Appendix III of Regulation (EC) No. 110/2008 without complying with the corresponding specification, this may be misleading.
- LMIV – QUID of cream in spirits: as regards spirits with the designation "cream liqueur", a quantitative labelling (QUID) of cream is only required when the labelling shows supplemental advertising indications and/or illustrations with reference to the use of this ingredient ("with finest cream" or the like). As a reference, No. 19 Section 3 of the QUID guidelines (Commission Notice 2017/C393/05) was indicated.
- Assessment of GMO contents where several genetically modified events are contained: with regard to the 0.9% threshold value, the relative portions of different genetically modified organisms of a species need to be added up.

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 ([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:

- Sweetener sucralose: when heating sucralose-containing foods, compounds with a harmful and carcinogenic potential may develop. Currently, however, data is still missing for concluding a risk assessment. The BfR nevertheless recommends consumers to not heat up sucralose-containing foods to high temperatures as they develop during baking, frying or roasting until the concluding risk assessment is available or to add sucralose only after heating (Statement No. 12/2019 dated 9 April 2019). Note: the Süßstoff-Verband e.V. (sweetener association) considers this recommendation to be exaggerated, as the required data are missing.
- Resistant germs: pre-sliced salads or salads that are wrapped in foil, fresh herbs or sprouts may contain pathogenic germs or antibiotic-resistant bacteria. In order to minimise the risk, the BfR recommends washing the products thoroughly with drinking water prior to consumption. Pregnant women and persons whose immune forces are weakened should prepare salads instead, shortly prior to consumption, with fresh ingredients that have been washed thoroughly (Statement No. 013/2019 dated 12 April 2019).
- Glyphosate: during a check, the US-American Environmental Protection Agency EPA concluded that the pesticide active agent glyphosate does not represent a health risk and that it is not carcinogenic when used properly. This confirms the assessment of the BfR (Communication No. 016/2019 dated 6 May 2019).

Further information can be found at www.bfr.bund.de.

Modifications Regarding Pesticides

■ Information on pesticides provided by the BVL: comprehensive information on approved pesticides, revoked or dormant approvals or, for example, emergency approvals can be found on the homepage of the Bundesamt für Verbraucherschutz und Lebensmittelsicherheit ((BVL) Federal Office of Consumer Protection and Food Safety) at www.bvl.bund.de

(https://www.bvl.bund.de/EN/04_PlantProtectionProducts/01_ppp_tasks/02_ppp_AuthorisationReviewActSub/01_%20ppps_authorized/ppp_authorized_no_de.html).

■ EU monitoring for 2020–2022: the regulation on a multiannual control programme of the Union regarding pesticide residues for the years 2020, 2021 and 2022 was published in the Official Journal of the European Union (Implementing regulation (EU) 2019/533, Official Journal L 88 dated 29 March 2019, p. 28). According to this, specifically determined foods are analysed for every year (ten of plant origin and two of animal origin, respectively). The results of the analyses are presented by the Member States, respectively, until 31 August of the subsequent year. The regulation will come into force on 1 January 2020.

■ Pesticides with the active agent chlorothalonil: the approval of the active agent chlorothalonil will expire on 31 October 2019. With the Implementing Regulation (EU) 2019/677 dated 29 April 2019, the non-renewal of the approval was published on 30 April 2019 in the Official Journal of the European Union (Official Journal L 114, p. 15). The Member States must revoke approvals for pesticides with this active agent at the latest until 20 November 2019, and any grace period will expire at the latest on 20 May 2020. The regulation came into force on 20 May 2019.

■ Maximum residue levels (MRL): with Regulation (EU) 2019/552 from 4 April 2019, the MRL of the following pesticide active agents were modified: azoxystrobin, bicyclopyrone, chlormequat, cyprodinil, difenoconazole, fenpropimorph, fenpyroximate, fluopyram, fosetyl, isoprothiolane, isopyrazam, oxamyl, prothioconazole, spinetoram, trifloxystrobin and triflumezopyrim.

Sentences

■ "Low Carb" – Nutrition claims: according to a sentence of the Düsseldorf District Court from 24 October 2018 (Reference No. 12 O 101/18), the reference "Low Carb" on the packaging of a pizza dough ready-mix must be considered as an impermissible nutrition claim according to the provisions of the Health Claims Regulation (Regulation (EC) No. 1924/2006).

■ Country of origin indication on advertising signs: on 28 January 2019, the Amberg District Court decided that the country of origin for foods that is shown on advertising signs must be correct. The correct indication on the packaging of the food

product does not entitle a company to advertise the product on signs with a wrong country of origin (Reference no. 41 HK O 784/18, not enforced by law).

Miscellaneous

■ LFGB – Deletion periods for the publication of infringements: according to a decision of the Federal Constitutional Court dated 21 March 2018 (1 BvF 1/13), the publication of infringements of the food law according to § 40 Section 1a of the Foodstuffs, Consumer Goods and Animal Feed Code (LFGB) must be limited in time. This decision was implemented with the first law regarding the modification of the LFGB from 24 April 2019 (Federal Gazette Part 1 No. 14 dated 29 April 2019, p. 498). Amongst others, § 40 is supplemented by one section: "(4a) The information according to Section 1a must be eliminated six months after the publication, including additional information according to Section 4." The law came into force on 30 April 2019.

(<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2018/bvg18-032.html>)

■ BVL – FAQ regarding hemp, THC and cannabidiol: the Bundesamt für Verbraucherschutz und Lebensmittelsicherheit ((BVL) Federal Office of Consumer Protection and Food Safety) published a catalogue of questions and answers regarding hemp, tetrahydrocannabinol (THC) and cannabidiol (CBD) (in German:

https://www.bvl.bund.de/DE/01_Lebensmittel/04_AntragstellerUnternehmen/13_FAQs/FAQ_Cannabidiol/FAQ_Cannabidiol_node.html).

■ Transfatty acids (TFA): in October 2016, the EU Parliament claimed binding limit values for industrial transfatty acids (non-ruminant TFA). The corresponding Regulation (EU) 2019/649 for the modification of Appendix III of Regulation (EC) No. 1925/2006 was published on 25 April 2019 in the Official Journal of the European Union (Official Journal L 110, p. 17). The content of non-ruminant TFA must not exceed 2 g per 100 g fat for foods that are intended for the final consumer and foods that are intended for delivery to retailers. The marketing of foodstuffs that do not comply with these provisions is prohibited from 2 April 2021. The regulation came into force on 15 May 2019.

■ EU spirit drinks regulation: with Regulation (EU) 2019/674 dated 29 April 2019, several geographical indications were deleted in the spirit drinks regulation (Regulation (EC) No. 110/2008) (Official Journal L 114 dated 30 April 2019, p. 7). The regulation came into force on 20 May 2019.

■ Residues of veterinary medicines: with the Implementing Regulation (EU) 2019/238 of the Commission dated 8 February 2019, the use of ovotransferrin for chicken and all types of poultry other than chicken was newly approved (Official Journal L 39 from 11 February 2019, p. 4). The regulation came into force on 3 March 2019.

■ EFSA – Statement cyanogenic glycosides: the European Food Safety Authority (EFSA) made a statement regarding the health risk through the consumption of cyanogenic glycoside-containing food products (except for apricot kernels) (EFSA Journal 2019; 17(4):5662). Initially, with reference to cyanogenic glycosides in raw apricot kernels, an acute reference dose (ARfD) for cyanides of 20 µg/kg

body weight was defined in 2016. The EFSA CONTAM Panel (Panel on Contaminants in the Food Chain) concludes in the recent statement that this ARfD applies irrespective of the intake source (<https://www.efsa.europa.eu/de/efsajournal/pub/5662>).

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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 15 March 2019 and 14 May 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: 139	nuts, nut products, figs, pistachios, peanuts, almonds, melon kernels, apricot kernels, para nuts			104
	organic rice	unknown	B1: 7.1 µg/kg	1
	organic chili flakes, chili, chili powder	India	B1: up 75.5 µg/kg; total: up 78.3 µg/kg	6
	fruit porridge	Germany (produced in Italy)		12
	dates	Pakistan	B1: 5.8 µg/kg	10
	spice mixture	Ethiopia	B1: 15.8 µg/kg; total: 50.4 µg/kg	1
	nutmeg, sesame seeds, organic muesli	India, Indonesia, Nigeria, Belgium		5
Ochratoxin A	organic raisins, raisins	Turkey, China, Pakistan, Slovakia (raw mat. Iran)	up 26 µg/kg	6
	nutmeg	Czech Republic (raw mat. Indonesia)	67.6 µg/kg	2
	paprika powder	Spain (raw mat. China)		1
	organic rice	Italy (raw mat. Greece, India)		1
	pistachios	Germany, USA	up 93 µg/kg	5
	whole meal rye flour	Germany	4.4 µg/kg	2
	soy product	India		4
Patulin	apple puree	Chile		1
Heavy Metals / Other Metals				
Lead	vernison salami	Italy (raw mat. Austria)	1.96 mg/kg	3
	liver pate	Germany	0.89 mg/kg	2
	pheasants meat, vernison meat, raw sausages, salami, vernison/-goulash	Belgium, Poland, Italy, Germany, Spain		15

Reason for Notifying	Product	Country of Origin	Notes	Number
Cadmium	organic cocoa nibs	Netherlands	0.78 mg/kg	9
	spinach	Belgium	0.279 mg/kg	1
	octopus, squid	Ecuador, China, India	up 7.7 mg/kg	6
	marlin pieces, swordfish	Vietnam, Spain		4
Mercury	mushrooms	China	0.530 mg/kg	2
	fish/-products		up 1.91 mg/kg	51
Copper	sea salt	Russ. Federation	2.35 mg/kg	1
Boron	mineral water	Portugal, Turkey	up 4.6 mg/l	4
Other Contaminants / Residues				
Benzo(a)pyrene, PAH	rapeseed oil, sunflower oil, seasoning oil	Estonia, Ukraine, USA		7
	palm oil	Togo	Benzo(a)pyrene: 5.65 µg/kg; PAH: 35.95 µg/kg	11
	propolis powder	China	PAH: 80.4 µg/kg	25
	pork ham	Poland	Benzo(a)pyrene: 5.3 µg/kg; PAH: 46.2 µg/kg	1
	fish	Latvia		1
	dill tips	Uzbekistan	PAH: 92.1 µg/kg	3
	banana chips, ginger	Philippines, China		5
	food supplement	France (raw mat. China)		3
Dioxins	horsemeat	Netherlands	14.6 pg WHO TEQ/g	1
Dioxin-like polychlorinated biphenyls (dl-PCB)	chicken breast	Spain	481.72 ng/g fat	3
Non-dioxin-like polychlorinated biphenyls (ndl-PCB)	chicken breast	Spain		2
Radioactivity	chanterelles	Ukraine		1
Chlorate	food supplement	Spain (produced in Germany)		9
Acrylamide	chips	France	2,445.7 µg/kg	2
	coffee	Finland (produced in Netherlands)	732 µg/kg	3
Glycidyl esters	margarine	Cyprus	1,586 µg/kg	2
Tropan alkaloids (Atropin, Scopolamin)	maize semonila	Serbia	Atropin: 4.5 µg/kg; Scopolamin: 4.3 µg/kg	1
Morphine	bread	France	up 5.2 mg/kg	11
	poppy seeds	Turkey	64.4 mg/kg	2
Shellfish poisoning toxins (ASP)	mussels	Ireland	up 58.6 mg/kg	2
Histamine	fish / fish products		up 1,344 mg/kg	19
Ethyl carbamate	plum brandy	Belgium (raw mat. France)		1
Rum ether	sweets	Spain		8

Reason for Notifying	Product	Country of Origin	Notes	Number
Hydrocyanic acid	apricot kernels, food supplement	Uzbekistan, Netherlands		2
Iodine	algae, seaweed	China	68 mg/kg	10
Pharmacological Active Substances				
2,4-Dinitrophenol (DNP)	food supplement	Hong Kong, Turkey, unknown, USA		4
1,3-Dimethylamylamine (DMAA), 1,5-Dimethylhexylamine (DMHA)	food supplement	unknown via UK		5
Antraquinone	organic tea, green tea, tea	Morocco, China	0.015 mg/kg	10
Cannabidiol (CBD)	food supplement	Netherlands, Austria, Poland, Switzerland, Slovenia, Czech Republic, UK, unknown	up 120,000 mg/kg	77
	spice mixture, salt	Germany		5
	hempseed oil	Spain		1
	chewing gum	Netherlands, USA	7,996 mg/kg	2
Tetrahydrocannabinol (THC)	CBD flower tea	USA	1 mg/kg	1
	cereal biscuits	Czech Republic	2.08 mg/kg	3
	spice mixture, protein powder	Germany		8
	chewing gum	Netherlands, USA	387 mg/kg	4
	food supplement	Netherlands, Austria, Poland	up 1,340 mg/kg	20
Chloramphenicol	pig casings	China	up 1.5 µg/kg	7
Lasalocid, Narasin	quail eggs	Croatia		1
Leucomalachite green	trouts	Italy	13.4 µg/kg	7
Levamisol	chicken meat, pig carcasses	Belgium	80.4 µg/kg	18
Nitrofurantolol/-metabolites	white tiger prawns	India		1
	pig casings	China	up 1.15 µg/kg (SEM)	4
Sildenafil	food supplement	Latvia, Malaysia, Netherlands, Portugal, Spain, USA, UK		31
Synephrine	food supplement	UK		4
Tadalafil	food supplement	Malaysia, USA, UK		29
Tetracyclines	rabbit meat	Italy	(Oxytetracyclin)	1
Yohimbine, Yohimbe extract	food supplement	USA, unknown		3
Unauthorized Colours				
Rhodamine B	cucumbers, beets	Syria	> 2000 µg/kg	5
Sudan IV	palm oil	Ghana, Guinea, Nigeria	up 12 mg/kg	51

Reason for Notifying	Product	Country of Origin	Notes	Number
Miscellaneous				
Botulinum toxin	sardines	Portugal		1
Thorn apple seed	beans	France		5
Toxic herbs (<i>Arum maculatum</i>)	bear`s garlic	Austria		2
Parasite infestation with anisakis, pseudoterranova	mackerel, John Dory, hake, pollock, monkfish	France, Ireland, Netherlands, Spain, Morocco, UK		28
Pyrrolizidine alkaloids (PA)	food supplement	France		2
	St. John`s wort	Netherlands, Spain, USA, Germany	3,307 µg/kg	8
	herb mixture	Austria	3,397 µg/kg	1
	tea	Germany	up 461.3 µg/kg	3
	oregano	France, Austria, Turkey	up 21,011 µg/kg	10
GMO not authorized	rice, rice protein	China		4
Irradiation	noodle soup	Philippines		2
	chive	China		1
	tea brew	Spain		2
Food dependent disease outbreak	salmon products	Germany		2
	wahoo mackerel fillets	Vietnam		2
	rice milk	Spain		4
	raw milk cheese	France		39
	sesame paste	Israel		4
	dried fruits, coconut mixture	Italy		8
	various foods	UK		20
Pathogenic Germs				
Salmonella total: 331	meat / meat products (including poultry)			198
	mussels, organic mussels, prawns	Denmark, Spain (packed Italy), Italy (packed France)		8
	cheese, milk powder	Belgium, Poland		7
	eggs, egg products, liquid egg white, egg powder	UK, Ukraine, Sweden		8
	pepper, black pepper	Brazil, Vietnam		17
	organic chlorella powder	India		13
	organic sesame seed, sesame seed, sesame paste	Uganda, Ethiopia, India, Nigeria, Uganda, Sudan, Lebanon		61
	almonds, organic tiger nuts, tiger nuts	USA (partly packed Italy), Germany, Spain (partly raw mat. Niger)		16
	bread mixture, tofu product, ready meals	Netherlands, China, UK		3

Reason for Notifying	Product	Country of Origin	Notes	Number
<i>Listeria monocytogenes</i>	meat / meat products (including poultry)	Netherlands, Latvia, Poland, Uruguay, Ireland, UK, France, Belgium		26
	fish / fish products, giant squid	Denmark, Belgium, Estonia, Belarus, Germany, Iceland, Poland, Spain		58
	omelette stripes	Germany		2
	green cabbage, maize	Netherlands, unknown, Turkey		5
	cheese, raw milk cheese, sheep cheese, soft cheese, raw goat milk cheese	France, Slovakia		72
Enteropathogenic E.coli (EPEC)	cheese	France		4
	parsley	Germany		5
Shigatoxin producing E.coli	lamb, cattle carcasses, beef, beef ribs, tartar	Belgium, Belarus, Argentina, Brazil, Poland		25
	cheese, raw milk cheese, soft cheese, raw goat milk cheese, sheep cheese	France, Italy		65
	parsley	Germany		2
	convenience product	Belgium		1
Emetic toxin producing <i>Bacillus cereus</i>	coconut	Indonesia		1
Pathogenic <i>Vibrio (Vibrio cholerae, parahaemolyticus, vulnificus)</i>	prawns, squid	Vietnam, Ecuador, India		6
<i>Yersinia (Yersinia enterocolitica)</i>	carrots	Denmark, Sweden (packed in Denmark)		15
<i>Campylobacter</i>	chicken breast fillets	Poland		2
Norovirus	oysters	Netherlands		1
	currants	Poland		10

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