

Food Legislation News

No. 2 – April 2025

Judgements

“Dubai Chocolate”:

Whether the use of the term ‘Dubai’ in the name of chocolate products indicates the product or refers to specific recipe (generic name) depends on the overall design of the packaging, according to current court judgements.

For chocolate products not made in Dubai, the following were considered misleading original claims:

- The use of English and other foreign languages on the packaging, as well as statements like "The Taste of Dubai" on a product marketed in Germany ("Miskets" chocolate, Cologne Regional Court, 25 February 2025, Case No. 33 O 513/24, in German: https://www.lg-koeln.nrw.de/behoeerde/040_presse/zt_presse/Entscheidung-des-Monats-2025/EdM-02_25.pdf)
- The statement “Dubai Handmade Chocolate” (Bochum Regional Court, 20 January 2025, Case No. 17 O 5/25, in German: https://nrwe.justiz.nrw.de/lgs/bochum/lg_bochum/j2025/17_O_5_25_Beschluss_20250120.html).

The following packaging designs were judged as generic and therefore not misleading:

- "Dubai Dark Chocolate" with labelling in German and the absence of features that could indicate a Dubai origin (Frankfurt Regional Court, 21 January 2025, in German: <https://www.rv.hessenrecht.hessen.de/bshe/document/LARE250000145>)
- "Alyan Dubai Chocolate" (Cologne Regional Court, 4th Chamber for Commercial Matters, 26 February 2025, Case No. 84 O 8/25, in German: <https://dejure.org/dienste/vernetzung/rechtsprechung?Gericht=LG%20K%F6ln&Datum=26.02.2025&Aktenzeichen=84%20O%208%2F25>).

The judgements are not yet final, as the plaintiffs may file appeals.

Protein Content Claims on "High Protein" Products:

The Higher Regional Court of Munich ruled that stating the protein content separately from the nutrition table is not permissible. After an appeal was filed, the Federal Court of Justice will now decide (Munich Higher Regional Court, 19 December 2024, Case No. 6 U 3363/23; First Instance Munich District Court, 28 July 2025, Case No. 37 O 14809/22, in German: <https://www.wettbewerbszentrale.de/wettbewerbszentrale-mit-grundsatzverfahren-beim-bgh-werbung-fuer-high-protein-produkte-mit-gesonderten-protein-angaben-auf-dem-pruefstand/>).

News from BfR

The Federal Institute for Risk Assessment (BfR) has published the following, among others:

Anthrax – FAQ:

The BfR updated its Q&A on the health risks of foods derived from ruminants infected with *Bacillus anthracis* (23 January 2025, in German: <https://www.bfr.bund.de/cm/343/milzbrand-kann-der-erreger-bacillus-anthraxis-ueber-lebensmittel-uebertragen-werden.pdf>).

BfR-MEAL-Study – vanadium in food:

The BfR-MEAL study examined various foods for vanadium content. It found no detectable levels of vanadium in 97% of the foods tested, with the highest levels found in chewing gum, cocoa powder, and dried spices (Press Release 003/2025, 17 February 2025, <https://www.bfr.bund.de/cm/349/bfr-meal-study-no-vanadium-was-detected-in-most-foods.pdf>).

Glycerin in slush-ice beverages:

The BfR found that slush-ice drinks may contain glycerin concentrations that could cause adverse health effects in young children (Statement 004/2025, 18 February 2025, in German: <https://www.bfr.bund.de/cm/343/glycerin-in-slush-ice-getraenken-kann-unerwuenschte-gesundheitliche-wirkungen-hervorrufen.pdf>).

Antibiotic-resistant bacteria – FAQ:

The BfR updated its Q&A regarding antibiotic-resistant bacteria and how their spread can be prevented (19 February 2025, https://www.bfr.bund.de/cm/349/questions_and_answers_on_esbl_and_ampc_producing_antimicrobial_resistant_bacteria.pdf).

Foot-and-mouth disease – update:

The BfR has stated that consuming pasteurised milk and dairy products from infected animals poses no health risk if the milk has been sufficiently heated (Statement 005/2025, 26 February 2025, <https://www.bfr.bund.de/cm/349/foot-and-mouth-disease-no-health-risk-expected-when-consuming-pasteurised-milk-and-dairy-produce.pdf>).

Hepatitis E - FAQ:

The BfR updated its Q&A on the Hepatitis E virus, including its transmission through domestic and wild boars and food derived from them, on 3 March 2025 (in German: <https://www.bfr.bund.de/cm/343/hepatitis-e-virus-uebertragung-durch-haus-und-wildschweine-und-daraus-gewonnene-lebensmittel-vermeiden.pdf>).

Foodborne infections – new video:

A new BfR video uses UV light to show how pathogens spread in the kitchen due to poor hygiene (press release 007/2025, 4 March 2025, <https://www.bfr.bund.de/cm/349/foodborne-infections-new-video-makes-the-invisible-visible.pdf>).

EFSA-Publications

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

Bromide:

As part of its risk assessment on bromide, EFSA established a tolerable daily intake (TDI) of 0.4 mg/kg body weight per day, and an acute reference dose (ArfD). However, there was insufficient data to determine the transfer rate from feed to animal-derived foods (28 January 2025, <https://www.efsa.europa.eu/de/efsajournal/pub/9121>).

Changes in plant protection products

Maximum residue limits (MRLs):

The EU has amended the maximum residue limits for various pesticide active substances, including acetamiprid, fenbuconazole, fluxapyroxad, lambda-cyhalothrin, metalaxyl, nicotine, penconazole and zoxamide.

Information on Plant Protection Products from the BVL:

Comprehensive information about approved pesticides, revoked licenses, or emergency authorisations can be accessed through the Federal Office for Consumer Protection and Food Safety (BVL) website www.bvl.bund.de (https://www.bvl.bund.de/EN/Tasks/04_Plant_protection_products/01_ppp_tasks/02_ppp_AuthorisationReviewActSub/01_ppps_authorised/ppp_authorised_node.html).

Further Publications of the BVL

The Federal Office for Consumer Protection and Food Safety (BVL) has published the following information:

Dietary supplements:

In its press release from 27 January 2025, the BVL explains the existing regulations for placing dietary supplements on the market (in German: https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01_lebensmittel/2025/2025_3_PM_NEM.html)

DHEA – legal classification:

Dehydroepiandrosterone (DHEA) is a naturally occurring steroid and prohormone in humans, which is approved as a pharmaceutical in the EU. The joint expert commission for the classification of substances considers DHEA-containing products either as medicinal products or as unapproved novel foods (press release from 10 February 2025, in German:

https://www.bvl.bund.de/SharedDocs/Fachmeldungen/01_lebensmittel/2025/2024_02_12_Einstufung_Dehydroepiandrosteron.html;

Statement (in German):

https://www.bvl.bund.de/SharedDocs/Downloads/01_Lebensmittel/expertenkommission/Stellungnahme_Dehydroepiandrosteron.pdf?__blob=publicationFile&v=2).

AG Substance List – algae list:

The AG Substance List compiles extensive lists of plants, fungi, and algae, along with explanations, and has been published on the BVL website. These lists aim to help classify plants, plant parts, fungi, and algae as ingredients in food and differentiate them from medicinal products. The algae list and the third

edition of the preface to the substance lists are now also available in English (https://www.bvl.bund.de/SharedDocs/Berichte/08_Stoffliste_Bund_Bundeslaender/ListofAlgae_1_edition_February_2025.html?nn=15940390).

Veterinary medicines:

The BVL has published notifications regarding the approval of veterinary medicines, as well as other official actions from 17 December 2024 and 27 January 2025, in German:

- https://www.bvl.bund.de/SharedDocs/Downloads/05_Tierarzneimittel/Bekanntmachungen/2025_02_04_Bekanntmachung_BAnz.pdf?__blob=publicationFile&v=3,
- https://www.bvl.bund.de/SharedDocs/Downloads/05_Tierarzneimittel/Bekanntmachungen/2025_02_24_Bekanntmachung_BAnz.pdf?__blob=publicationFile&v=2.

Miscellaneous

Organic alcohol-free wine:

The European Commission has authorised procedures for the production of organic alcohol-free wine under Delegated Regulation (EU) 2025/405 (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202500405&qid=1742216545037).

“Emmentaler”:

The EU has refused to grant protected designation of origin status to “Emmentaler,” meaning that the term “Emmentaler” is considered a generic term in the EU, and such cheese can be produced and marketed within the EU. However, “Emmentaler” remains a protected term in Switzerland.

Links:

- <https://www.bzfe.de/presse/pressemeldungen-archiv/pressemeldungen-2025/eu-entscheid-zum-emmentaler> (in German),
- https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202500107

Novel food – Union list extension:

UV-treated powder from whole *Tenebrio molitor larvae* (mealworms) has been approved as a novel food under Regulation (EU) 2025/89 (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202500089).

Flavours – removal from Union list:

The EU has removed the flavouring substance 4-Methyl-2-phenylpent-2-enal from the Union list through Regulation (EU) 2025/147 (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202500147&qid=1742215856594).

German Food Codex – new guidelines:

The new guidelines for fine baked goods were published in the Federal Gazette on 5 February 2025 (in German:

<https://www.bundesanzeiger.de/pub/publication/ZXLZ5V6TiUz1aD5ZBk0/content/ZXLZ5V6TiUz1aD5ZBk0/BAnz%20AT%2005.02.2025%20B2.pdf?inline>).

Last update: 5 March 2025

EC Alert Notifications

Following are notifications chosen from the European Rapid Alert System for Food and Feed. Considered were alerts for food, information and border rejections which arrived **between 25 January and 14 March 2025**.

Source:

https://www.bvl.bund.de/DE/Arbeitsbereiche/01_Lebensmittel/01_Aufgaben/04_Warn_und_Informationssysteme/00_Warn_und_Informationssysteme/01_RASFF/021_aktuelle_rasff_meldungen/aktuelle_meldungen_im_box.html (in German)

Reason for Notifying	Product	Country of Origin	Notes	Number
Mycotoxins				
Aflatoxins total: 77	peanuts, pistachios, figs, hazelnuts, almonds, walnut kernels, dates (including products)			66
	soybean flour, soy protein (including products)	Serbia, Slovakia	B1: up 11 µg/kg; total: up 12 µg/kg	6
	rice	Pakistan	B1: 2.2 µg/kg	1
	corn, corn flour	Italy, Colombia	B1: up 25.7 µg/kg	2
	dried chili	India	B1: 47.8 µg/kg; total: 48.7 µg/kg	1
	organic apricot pieces	Turkey	total: 12 µg/kg	1
Ochratoxin A	dried figs	Turkey	up 61 µg/kg	8
	raisins	Uzbekistan	up 36 µg/kg	4
	organic apricot pieces	Turkey	7 µg/kg	1
	date syrup	Tunisia and Belgium	37.5 µg/kg	1
	rice	Pakistan	9.84 µg/kg	2
	rye	France	10.6 µg/kg	1
	wheat	France and Belgium	31.8 µg/kg	1
	crispbread	Germany	4.4 µg/kg	1
	buckwheat	Estonia	12.84 µg/kg	1
	dried chili	China	70 µg/kg	1
	cocoa powder	Netherlands and Poland	up 39 µg/kg	1
Deoxynivalenol (DON)	durum wheat	Australia	7,447 µg/kg	1
	rice	Italy	3,000 µg/kg	1
Zearalenone	rice	Italy	342 µg/kg	1
Patulin	apple juice	Serbia	92.53 µg/kg	1
Alternaria toxins	black sesame seeds	Bolivia, Mexico	Alternariol: up 157 µg/kg; Alternariolmethylether: up 176 µg/kg	2
	pistachios	USA	Tenuazonic acid: 140 µg/kg	1
	hazelnuts	Turkey	Tenuazonic acid: 580 µg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
Heavy Metals / Other Metals				
Lead	sheep liver	UK	up 0.50 mg/kg	2
	fish	Norway	10.891 mg/kg	1
	oat flour, organic oats	France, Poland	up 0.423 mg/kg	2
	canned pineapple	Vietnam	0.218 mg/kg	1
Cadmium	squid	Ecuador	2.9 mg/kg	1
	horse meat	Belgium	31.0 mg/kg	1
	organic oats	Poland	0.209 mg/kg	1
	sunflower paste	France	0.63 mg/kg	1
	avocados	Peru	up 0.086 mg/kg	2
	peppers	Morocco	up 0.047 mg/kg	1
	onions	Bosnia and Herzegovina	0.056 mg/kg	1
	herbal tea	USA	2.01 mg/kg	1
	dried mushrooms, truffles	China	up 2.02 mg/kg	2
	wild porcini mushroom (<i>Boletus edulis</i>)	Poland	0.63 mg/kg	1
Mercury	fish, fish products	Spain, Portugal, Italy, Ecuador, Sri Lanka	up 2.3 mg/kg	6
Other Contaminants / Residues				
Ethylene oxide, 2-Chloroethanol	organic chamomile, chamomile tea	Egypt, UK		2
	cardamom, white pepper	Turkey		2
	plant extract	USA		1
	food supplement	India		2
Benzo(a)pyrene, Polycyclic Aromatic Hydrocarbons (PAH)	matcha tea	China	Benzo(a)pyrene: 22 µg/kg; PAH: 120 µg/kg	1
	cocoa powder	Poland and Netherlands	PAH: up 43.1 µg/kg	1
	organic kale powder	Poland	PAH: 81.6 µg/kg	1
	black cumin seed oil	Egypt	Benzo(a)pyrene: 24.7 µg/kg	1
Chlorate	poultry meat preparations	Brazil	up 0.69 mg/kg	2
	soft drink	Belgium		1
Perchlorate	pineapple	Mauritius	0.077 mg/kg	1
Erucic acid	mustard seeds	Belarus, Russia	up 100 g/kg	2
Mineral oil hydrocarbons (MOAH)	basmati rice	Pakistan	0.56 mg/kg	1
	guar gum	Pakistan	up 3.1 mg/kg	2
	cocoa powder	Netherlands and Poland	up 2.8 mg/kg	1
	instant noodles	South Korea	3.1 mg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
Per- and polyfluoroalkyl substances (PFAS)	mackerel	Ireland	50.487 µg/kg	1
	carp	Spain	PFOS: 6.13 µg/kg	1
	tarbot	Netherlands	PFOS: 2.50 µg/kg	1
Dioxins and dioxin-like PCB	tuna	France	14.9 pg TEQ/g	1
Acrylamide	biscuits	Ukraine, Turkey	up 941 µg/kg	2
3-Monochloro-1,2-propanediol (3-MCPD)	baked goods	Turkey	3,588 µg/kg	1
Glycidyl esters	crude palm oil	Ecuador	2,405 µg/kg	1
	chocolate with kunafa and pistachios	United Arab Emirates	up 1,861 µg/kg fat	1
Grayanotoxins	honey	Nepal	up 11,590.49 µg/kg	2
Ergot (<i>Claviceps purpurea</i>)	wheat	France	sclerotia: 0.03 %	1
Pyrrolizidine alkaloids (PA)	cumin	Turkey	up 5,471 µg/kg	2
	tarragon leaves	Poland	705 µg/kg	1
	lava leaf	unknown	1,200 µg/kg	1
	oregano	Turkey	up 128,873 µg/kg	3
	majoram	Egypt	up 25,669.2 µg/kg	2
	chamomile flowers	Egypt	6,230 µg/kg	1
Tropane alkaloids	corn flour	Portugal	19.4 µg/kg	1
Histamine	fish, fish products	Reunion, Albania, China, Morocco	up 1,170 mg/kg	4
Hydrocyanic acid	golden flax seeds	France	270 mg/kg	1
Pharmacological Active Substances				
Hydroxyanthracene derivatives	food supplement	Netherlands	Aloe-Emodin: 3,454 µg/kg	1
	food supplement	Belgium	Aloe-Emodin: 9,899 µg/kg; Emodin: 3,525 µg/kg	1
Cannabidiol (CBD), Cannabigerol (CBG)	CBD oil products, oils, confectionery, cookies, tea, energy drink, food supplement	Czech Rep., Italy, Netherlands, Germany, unknown	CBD	13
	tea	Spain	CBD, CBG	1
Tetrahydrocannabinol (THC)	confectionery	USA	1,085.21 mg/kg	2
	confectionery	Netherlands, Czech Rep.		2
Benzimidazole	pig carcasses	Belgium	625 µg/kg	1
Equipalazone	horse carcasses	Poland		1
Nitrofuran metabolite	shrimp skewers	Vietnam	Furazolidone (AOZ): 1.5 µg/kg	1
	frog legs	Vietnam	AOZ: >100 µg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
Sulfonamide	linden nectar honey	Poland	Sulfacetamide: 6.4 µg/kg; Sulfamethazine: 12.2 µg/kg; Sulfathiazole: 13.3 µg/kg	1
Tetracyclines	poultry meat	Poland	Doxycycline: 174 µg/kg	1
Sibutramine	herbal tea extract, food supplement	Turkey		2
Sildenafil	food supplement	Turkey		1
Tadalafil	food supplement	Colombia		1
Unauthorised Colours				
Sudan I	chili powder	China		1
Sudan IV	palm oil	Cote d'Ivoire		2
Sudan I, II, III, IV	red pepper powder	Syria		1
Titanium dioxide (E 171)	confectionery	Russia		3
	food supplement	USA		1
Miscellaneous				
Iron content too high	oat porridge for small children	Latvia	up 28 mg/kg	1
Nikotine	chewing gum	Estonia		1
Parasitic infestation with Anisakis	fish, fish products	Iceland, USA, France		3
GMO, not authorised	papaya in fruit preparation	Germany with raw mat. India		1
Foodborne disease outbreak	oysters	France		1
	graved salmon	Denmark		1
	chicken leg meat	Poland		1
	raw milk cheese	France		1
	food supplement	Switzerland		1
Pathogenic Germs				
Salmonella total: 76	meat, meat products (including poultry)			54
	frog legs	Vietnam		1
	mussels	Italy		1
	eggs	Finland, Belgium		2
	sunflower seeds	Netherlands and Hungary		1
	sesame, sesame products	India, Nigeria, Turkey		9
	Macadamias	Kenya		1
	pistachio paste	Spain		1
	alfalfa sprouts, cherry tomatoes	Italy		2

Reason for Notifying	Product	Country of Origin	Notes	Number
	soy flour, sprout mix	Netherlands		2
	egusi ground melon seeds (<i>Cucumeropsis mannii</i>)	Ghana		1
	dark chocolate	Spain		1
<i>Listeria monocytogenes</i>	meat, meat products (including poultry)	Ireland, Romania		2
	fish, fish products	Germany (raw mat. Russia), Denmark, Italy (raw mat. Indonesia), Ireland, Poland, Lithuania		7
	cheese, raw milk cheese, raw milk goat's cheese	Belgium, Ireland, France		4
	mixed salad	France		1
<i>Bacillus cereus</i>	basil, organic radish sprouts	Germany		2
	tempeh	Denmark		1
	dried mushrooms	China		1
	almond butter	Bulgaria		1
	egusi ground melon seeds (<i>Cucumeropsis mannii</i>)	Ghana		1
	food supplement	UK		1
Shiga toxin-producing E.coli (STEC)	deer meat	UK		4
	beef, filet americain	Brazil, Netherlands		5
	cheese, raw milk cheese	Belgium, France		2
<i>Staphylococcus aureus</i>	cheese	France		1
<i>Vibrio spp.</i>	mussels	Portugal		1
Norovirus	oysters	France, Netherlands, Italy		17

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