

Food Legislation News

No. 6 – December 2024

News from BfR

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

Norovirus – FAQ:

The BfR has compiled a list of questions and answers about noroviruses on its website, with a particular focus on the route of infection via contaminated food (https://www.bfr.bund.de/en/noroviruses_recognizing_and_avoiding_sources_of_infection-10841.html).

Ashwagandha in food supplements:

Due to potential health risks, the BfR recommends in its Communication 39/2024 that children, pregnant and breastfeeding women, and people with liver disease should avoid dietary supplements containing ashwagandha preparations (also known as sleeping berry preparations). However, a conclusive risk assessment is not yet possible based on the current data available (<https://www.bfr.bund.de/cm/349/ashwagandha-food-supplements-with-potential-health-risks.pdf>).

Melatonincontaining food supplements – Update:

On 17 September, 2024, the BfR updated its statement on the potential health risks of taking food supplements containing melatonin (in German: <https://www.bfr.bund.de/cm/343/melatoninhaltige-nahrungsergaenzungsmittel-bfr-weist-auf-moegliche-gesundheitsrisiken-hin-2024.pdf>).

Nanomaterials – FAQ:

The BfR has published an updated version of the question and answer catalog on nanomaterials (FAQ from 13 September 2024, <https://www.bfr.bund.de/cm/349/nanomaterials-tiny-particles-mediate-manifold-properties.pdf>).

BfR-MEAL-Study – Acrylamide content in food:

As part of the BfR MEAL study, various foods were analysed for their acrylamide content. The highest levels of acrylamide were found in vegetable crisps (Communication 41/2024, 16 September 2024, <https://www.bfr.bund.de/cm/349/bfr-meal-study-high-acrylamide-levels-detected-in-vegetable-crisps.pdf>). The detailed results are published under <https://www.sciencedirect.com/science/article/pii/S2590157524002906>.

African Swine Fever (ASF):

The BfR and the Friedrich-Löffler-Institut (FLI) have issued a joint statement stating that no adverse health effects are expected from contact with pigs originating from ASF restricted areas or from the consumption of meat or meat products from such animals. (<https://www.bfr.bund.de/cm/349/african-swine-fever%20-asf-assessing-the-risks-of-fresh-meat-and-meat-products-from-pigs-kept-in-asf-restricted-zones%20.pdf>).

Salmonella and rucola:

On the occasion of a recent outbreak (with rocket as a possible trigger), the BfR has compiled information on salmonella and provided recommendations on how to protect against infection in its communication 44/2024 of 27 September 2024 (in German: <https://www.bfr.bund.de/cm/343/salmonellen-und-rucola-wie-kommen-infektionen-zustande-und-wie-koennen-sie-verhindert-werden.pdf>).

Titanium dioxide – Updated FAQ:

The BfR has updated its catalogue of questions and answers on titanium dioxide (FAQ from 11 October 2024, <https://www.bfr.bund.de/cm/349/titanium-dioxide-are-there-health-risks.pdf>).

Methanol in spirits – FAQ:

A revised set of questions and answers on methanol as an undesirable by-product in spirits was published on 14 October 2024 (<https://www.bfr.bund.de/cm/343/undesirable-by-product-in-spirits-methanol.pdf>).

Food supplements containing caffeine:

In its communication 46/2024 of 15 October 2024, the BfR warns against highly concentrated caffeine powders that are available in some online shops. In the BfR's view, these products carry a high risk of accidental overdose even very small amounts potentially causing considerable health problems (in German: <https://www.bfr.bund.de/cm/343/hochkonzentriertes-koffein-pulver-kann-bereits-in-geringen-mengen-schwere-vergiftungen-hervorrufen.pdf>).

Mushrooms – Risk of confusion:

In its press release 31/2024 of 21 October 2024, the BfR warns of the risk of mushroom poisoning and provides emergency assistance and various information on collecting and preparing mushrooms. In particular, it points out the insufficient reliability of mushroom identification apps (https://www.bfr.bund.de/en/press-information/2024/31/mushrooms_mistakes_can_be_fatal-317609.html).

Changes in plant protection products

Maximum residue levels (MRLs):

Regulations (EU) 2024/2609, 2024/2612, 2024/2619, 2024/2633, 2024/2640 and 2024/2711 amended the MRLs on the following plant protection product active substances:

Azoxystrobin, chitosan, clopyralid, difenoconazole, difluoroacetic acid (DFA), 1,4-dimethylnaphthalene, disodium phosphonate, famoxadone, flonicamid, fosetyl, fluopyram, flupyradifuron, flutriafol, hydrolysed proteins, potassium phosphonates, lavandulyl senecioate, mandipropamid, mefentrifluconazole, napropamid, pyridaben, residues from fat distillation, tebufenpyrad and thiacloprid.

Information on plant protection products from the BVL:

Comprehensive information on authorised plant protection products, revoked and suspended authorisations or, for example, emergency authorisations can be found on the homepage of the Federal Office of Consumer Protection and Food Safety (BVL) at 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 BVL has issued the following information, among others:

Report from the European Rapid Alert System 2023:

In its press release of 26 September 2024, the BVL summarises the results of approximately 4700 reports on potentially harmful food, feed, and food contact materials. Notably, the increased number of reports on cannabidiol (CBD) in confectionery was striking in 2023 (in German: https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01_lebensmittel/2024/PM_RASFF-Meldungen-2023.html).

National trend report on zoonoses 2023:

The 'Trend Report Zoonoses' published by the BVL for the year 2023 refers to the zoonoses and zoonotic agents subject to mandatory monitoring in accordance with Annex I Part A of Directive 2003/99/EC (in German: [TrendberichtZoonosen_Berichtsjahr2023.pdf](#)).

Novel foods – EFSA guidelines:

In its expert report of 11 October 2024, the BVL informs about new European Food Safety Authority (EFSA) guidelines that are intended to provide support in the application process for novel foods (in German: [BVL - Fachmeldungen - Neuartige Lebensmittel: Neue Leitlinien der EFSA unterstützen bei der Antragstellung](#)).

Related Links:

- [Administrative guidance for the preparation of novel food applications in the context of Article 10 of Regulation \(EU\) 2015/2283 | EFSA](#)
- [Guidance on the scientific requirements for an application for authorisation of a novel food in the context of Regulation \(EU\) 2015/2283 | EFSA](#)
- [Guidance on the scientific requirements for a notification and application for authorisation of traditional foods from third countries in the context of Regulation \(EU\) 2015/2283 | EFSA](#)

Traceability of food:

The BVL has published a new version of its recommendation on the implementation of food traceability requirements (in German: [BVL - Fachmeldungen - Neufassung der Empfehlung zur Umsetzung der Anforderungen an die Rückverfolgbarkeit von Lebensmitteln](#)).

Food Fraud:

In its press release of 23 October 2024, the BVL announced that as part of this year's Operation OPSON XIII on food fraud, authorities in Germany examined products that were labelled with the term 'forest blueberries' in the product name or in the list of ingredients. It was found that 50 per cent of the samples did not contain forest blueberries but other types of blueberries (in German: [BVL - Pressemitteilungen - Waldheidelbeeren häufig durch günstigere Arten ersetzt](#)).

Judgements

ECJ – Designation of meat alternatives:

According to the ruling of the European Court of Justice (ECJ) of 4 October 2024, a Member State may not impose a blanket ban on terms such as 'veggie steak' unless it has introduced a legally prescribed designation for the corresponding product of animal origin (C-438/23, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-10/cp240168en.pdf>).

ECJ – Organic labelling of imported food:

Food imported from a third country may only bear the EU organic logo if it complies with all EU legal requirements (ECJ, 4 October 2024, C-240/23, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-10/cp240160en.pdf>).

ECJ – Price indications:

When advertising price reductions, the percentages must refer to the lowest price of the last 30 days (ECJ, 26 September 2024, C-330/23, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-09/cp240152en.pdf>).

– OLG Nuremberg – Reference price:

The reference price stated in the advertising must be comprehensible and understandable (OLG Nuremberg, 24 September 2024, ref. 3 U 460/24, not final, in German:

<https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/nuernberg/presse/2024/29.php>;
<https://www.gesetze-bayern.de/Content/Document/Y-300-Z-GRURRS-B-2024-N-25213?hl=true>).

Misleading advertising for vitamin D in a children's milk product:

Advertising claims about vitamin D such as "7x mehr brauchst du als ich, wirst groß, gesund – ganz sicherlich" (you need 7 times more than I do, you will grow up and you will be healthy: that's for sure) are misleading. Children do not require more vitamin D than adults (OLG Munich, 11 April 2024, in German: <https://www.vzbv.de/urteile/urteil-hipp-muss-werbung-fuer-kindermilch-anpassen>; Previous instances: LG München I, 5 June 2020 - 39 O 15946/19; OLG München, 27 May 2021 – 29 U 3902/20; BGH, 2 June 2022, I ZR 93/21; see also Food Legislation News No. 6 December 2022).

Miscellaneous

EU marketing standards:

Delegated Regulation (EU) 2023/2429 and Implementing Regulation (EU) 2023/2430 will amend the marketing standards for fresh fruit and vegetables, bananas and dried products starting from 1 January 2025. The Federal Office for Agriculture and Food (BLE) provides assistance on its website.

Links:

- https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202302429
- https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202302430
- https://www.ble.de/DE/Themen/Ernaehrung-Lebensmittel/Vermarktungsnormen/Obst-Gemuese/obst-gemuese_node.html#doc8981738bodyText1 (in German)

Marketing standards for olive oil:

Implementing Regulation (EU) 2024/2707 of 21 October 2024 amended the marketing standards for olive oil (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202402707&qid=1731342743808).

Novel Food – Extension of the Union list:

Commission Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods was amended by Implementing Regulation (EU) 2024/2694, authorising magnesium L-threonate as a novel food (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202402694&qid=1731343604561).

Additives:

The conditions for the additives sorbic acid (E 200), potassium sorbate (E 202) and the specifications for sorbic acid, potassium sorbate and propyl gallate (E 310) were amended by Regulation (EU) 2024/2597 (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202402597&qid=1731344071708).

Furthermore, Regulation (EU) 2024/2608 amended the conditions of use for cellulose powder (E 460(ii)) and glucono-delta-lactone (E 575) in unripened, spreadable soft cheese products (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202402608&qid=1731344467935).

Federal Law Gazette

On 24 October 2024, the ordinance amending the Extraction Solvents Ordinance and other food law regulations was published in the Federal Law Gazette. The ordinance also contains amendments to the Food Additive Implementing Ordinance (LMZDV) and the Ordinance on the Marketing of Vinegar and Vinegar Essence. It comes into force on 1 January 2025 (in German: <https://www.recht.bund.de/bgb/1/2024/315/VO>).

Guidelines of the German Food Code:

The following amendments and new versions were published in the Federal Gazette:

- Amendment of the guidelines for ice cream
(in German: <https://www.bundesanzeiger.de/pub/publication/FRdNabWRJey6cdO04NF/content/FRdNabWRJey6cdO04NF/BAnz%20AT%2017.10.2024%20B2.pdf?inline>)
- A new version of the guidelines for vegan and vegetarian foods with similarities to foods of animal origin
(in German: <https://www.bundesanzeiger.de/pub/publication/BQu7llvKjho2wh60Yb2/content/BQu7llvKjho2wh60Yb2/BAnz%20AT%2009.10.2024%20B2.pdf?inline>).

Last update: 30 October 2024

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 13 September and 8 November 2024**.

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_lm_box.html (in German)

Reason for Notifying	Product	Country of Origin	Notes	Number
Mykotoxins				
Aflatoxins total: 95	peanuts, pistachios, figs, hazelnuts, almonds, brazil nuts (including products)			86
	organic chestnut flour	Italy	B1: 3.8 µg/kg; total: 6.5 µg/kg	1
	rice, basmati rice	Pakistan	B1: up 5.4 µg/kg; total: 6.1 µg/kg	4
	spice mixture	Pakistan	B1: 8.1 µg/kg	1
	corn flour	Serbia	B1: 11.4 µg/kg	1
	sesame seeds	Nigeria	B1: 6.5 µg/kg; total: 10.1 µg/kg	1
	red quinoa	Peru	B1: 6 µg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
Ochratoxin A	figs	Turkey	up 264 µg/kg	17
	sultanas, raisins	Turkey, Afghanistan	up 23.50 µg/kg	2
	dried white mulberries	Turkey	2.55 µg/kg	1
	basmati rice, rice	India, Pakistan	up 11 µg/kg	4
	ground sandalwood	Cameroon	18.0 µg/kg	1
	nutmeg	Indonesia	43 µg/kg	1
	paprika powder	China, Spain	up 77 µg/kg	2
	wholemeal rye flour	Poland	5.4 µg/kg	1
	pistachios	Turkey	94.5 µg/kg	1
Alternaria toxins	organic fruit puree	Germany	3.7 µg/kg (Alternariol)	1
Heavy Metals / Other Metals				
Lead	bovine muscle	Brazil	0.24 mg/kg	1
	groud cinnamon	Vietnam	up 2.79 mg/kg	2
	green lentils	Turkey	0.73 mg/kg	1
	food supplement	India	11.5 mg/kg	1
Cadmium	chili, red pepper, tomatoes	Morocco, Bosnia and Herzegovina, Turkey	up 0.094 mg/kg	3
	avocados	Colombia	up 0.070 mg/kg	2
	organic maca powder	Spain	up 0.15 mg/kg	1
	grain product (<i>Avena nuda</i>)	Germany	0.113 mg/kg	1
	spinach	Belgium	up 0.29 mg/kg	1
	squid	Ecuador	up 10.0 mg/kg	1
	slipper lobster (<i>Scyllarides herklotsii</i>), nephrops (<i>Nephrops norvegicus</i>), squid, cooked crabs (<i>Cancer pagurus</i>)	Senegal, Ireland, Spain	up 1.8048 mg/kg	4
	onion powder	USA	0.533 mg/kg	1
Mercury	fish / fish products	Spain, Senegal, unknown	up 2.9 mg/kg	9
	food supplement	India	48,600 mg/kg	1
Arsenic	cod	China	6,483 µg/kg	1
Molybdenum	food supplement	Germany		1
Other Contaminants / Residues				
Ethylene oxide, 2-Chloroethanol	psyllium husks, food supplement	India		3
	xanthan gum	China		1
	spice mixture	Pakistan		1

Reason for Notifying	Product	Country of Origin	Notes	Number
Benzo(a)pyrene, PAH	black pepper	Vietnam	Benzo(a)pyrene: 12.3 µg/kg; PAH: 51.2 µg/kg	1
	ginger powder, paprika powder	China	Benzo(a)pyrene: up 39.2 µg/kg; PAH: up 184.8 µg/kg	2
	parsley extract	China	PAH: 59.9 µg/kg	1
	Kudzu root extract	China	PAH: 76.6 µg/kg	1
Chlorate	pear puree	Netherlands	0.36 mg/kg	1
	frozen mangos	Peru	0.68 mg/kg	1
Erucic acid	mustard seeds	India, Kazakhstan	up 236 g/kg	2
Mineral oil hydrocarbons (MOSH, MOAH)	coconut oil	Indonesia	MOAH: up 14 mg/kg	2
	rice protein	Belgium	MOAH: up 2.2 mg/kg	1
	rice	Pakistan	MOSH: 17.9 mg/kg; MOAH: 2.4 mg/kg	1
	fried garlic	Thailand	MOAH: 3.0 mg/kg	1
Acrylamide	biscuits	Romania	up 459 µg/kg	2
	baby biscuits	Belgium	277 µg/kg	1
3-Monochloro-1,2-propanediol (3-MCPD)	bakery products	Netherlands, India, Bulgaria	up 9,339 µg/kg fat	5
	instant noodles	Bangladesh	4,447 µg/kg	1
Glycidyl esters	coconut oil	Indonesia	2,400 mg/kg	1
	shrimp crackers	China	525 µg/kg	1
	ingredient	Denmark		1
	bakery products	Netherlands, India, Bulgaria	up 4,733 µg/kg fat	5
	instant noodles	Bangladesh	3,774 µg/kg	1
Ergot (<i>Claviceps purpurea</i>)	wheat	France	sclerotia: up 0.07 %; ergot alkaloids: 241.5 µg/kg	3
Pyrrolizidine alkaloids (PA)	cumin	Egypt and Italy, Turkey, China	up 6,701 µg/kg	5
	black cumin	Pakistan, Turkey	up 3,465.6 µg/kg	2
	oregano	Turkey	up 4,384 µg/kg	2
	sage	Turkey	591 µg/kg	1
	food supplement	India, Italy	up 6,138.1 µg/kg	2
Tropane alkaloids	polenta	Italy	32 µg/kg	1
	corn flour	France	24 µg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
Histamine	fish / fish products	Czech Rep., Sri Lanka, Albania	up 2,460 mg/kg	3
Pharmacological Active Substances				
Cannabidiol (CBD), Hexahydrocannabinol (HHC), Cannabigerol (CBG), Tetrahydrocannabinhexol (THCH), Tetrahydrocannabiphorol (THCP)	CBD products, food supplement, confectionery, instant coffee	France, Bulgaria, Netherlands, unknown, Czech Rep., UK	CBD	7
	fruit gummies, confectionery	Czech Rep. Netherlands	HHC	2
	fruit gummies, confectionery	Cyprus, Czech Rep., Spain	CBD, CBG, HHC, THCH, THCP	5
Enrofloxacin	eggs	China		1
1,3-Dimethylamylamin (DMAA)	food supplement	UK, USA		2
Huperzin A	food supplement	USA		1
Leucocrystal violet	fish	Vietnam	0.24 µg/kg	1
Melatonin	food supplement	unknown		1
Meloxicam	cow carcass	Belgium	52 µg/kg	1
Monacoline	red yeast rice supplement	France		1
Morphine alkaloids	poppy seeds	Czech Rep.	127 mg/kg	1
Shellfish poisoning toxins (DSP)	mussels	Portugal, France	>320 µg/kg (Okadic acid)	2
Sulfonamide	shrimps	Vietnam	170 µg/kg (Sulfamethoxazole)	1
Tetracyclines	veal	Belgium, Netherlands, Italy	up 283 µg/kg (Doxycycline)	1
	prawns	Vietnam	128 µg/kg (Oxytetracycline)	1
	shrimps	Vietnam	617 µg/kg (Doxycycline); 553 µg/kg (Tetracycline)	1
Totrazuril	chicken meat	Ukraine	263.4 µg/kg	1
Synephrine	food supplement	Netherlands, Romania		2
Sibutramine	food supplement	USA		1
Sildenafil	food supplement	Bulgaria, Cote d'Ivoire, Thailand, Turkey, China, unknown		10
	drink	Czech Rep.		1
Tadalafil	food supplement	Turkey, China		3
Yohimbine	food supplement	USA		1
Unauthorised Colours				
Titanium dioxide (E 171)	confectionery, fondant mass, pastry	China, Turkey, Sweden		4
	roasted chickpeas	Turkey		1
	food supplement	Poland, USA, Romania, unknown		4

Reason for Notifying	Product	Country of Origin	Notes	Number
Miscellaneous				
Unauthorised novel food Tongkat ali (<i>Eurycoma longifolia</i>)	food supplement	USA, Germany, unknown		4
Parasitic infestation with Anisakis	fish / fish products	Morocco, Norway, Netherlands		3
GMO, not authorised	rice noodles	China		2
Foodborne disease outbreak	spelt with tomatoes and pesto	Italy		1
	rocket	Italy		1
	mayonnaise	Belgium		1
	minced meat (mutton and beef)	Iceland		1
Pathogenic Germs				
Salmonella total: 109	meat / meat products (including poultry)			69
	trout fillets, prawns, mussels	France, Germany, Netherlands		6
	eggs, egg products	Netherlands, Poland, Romania, Spain		6
	cheese	Poland		1
	black pepper, basil, majoram, onion powder, ground turmeric	Brazil, Italy, Egypt, Germany (raw mat. Egypt), India		5
	leaf spinach, rocket, rocket salad, red cabbage, alfalfa sprouts	Italy, Spain (raw mat. Italy)		6
	sesame / sesame products	Turkey, Egypt, India, Nigeria, United Arab Emirates and Tanzania, Tschad		12
	pistachio powder	Italy and France		1
	noodles	France		2
	vegan omelette mix	Germany		1
<i>Listeria monocytogenes</i>	meat / meat products (including poultry)	Latvia, Uruguay, Poland, France, Italy, Spain		11
	fish / fish products	Ukraine, France, Ireland, Lithuania, UK, Latvia, unknown		9
	cooked shrimps	Ukraine		1
	cheese, raw milk cheese, soft cheese, mozzarella	France, Italy		6
	avocado dip	Belgium		1
<i>Bacillus cereus</i>	ground cinnamon	Indonesia		1
	instant noodles, precooked pasta	France, Czech Rep.		2
	lemon and ginger infusion	France		1
	riboflavin-5-phosphate (semi-finished product)	India	(suspicion)	1

Reason for Notifying	Product	Country of Origin	Notes	Number
<i>Campylobacter coli</i> , <i>Campylobacter spp.</i>	chicken breast, oysters	Poland, France		3
Shiga toxin-producing E.coli (STEC)	capreolus	UK		1
	Rindfleischbeef	Brazil		1
	beef carpaccio	Germany (raw mat. Argentina)	(suspicion)	1
	lamb meat	Ireland		2
	cheese	France		3
	lamb's lettuce mix	Netherlands		1
<i>Vibrio cholerae</i> , <i>Vibrio</i> <i>parahaemolyticus</i> , <i>Vibrio</i> <i>vulnificus</i>	shrimps	Ecuador, India		2
Hepatitis A Virus	mussels	Spain		1
Norovirus	oysters	Ireland		1

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