

Food Legislation News

No. 4 – August 2022

Publications of the BVL

The Federal Office of Consumer Protection and Food Safety (Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL)) published, amongst others, the following information:

Warning against peanut butter from the US:

On 2 June 2022, the BVL issued a warning against the consumption of peanut butter products of the “JIF” brand, since contamination with salmonella could not be excluded (in German:

https://www.bvl.bund.de/SharedDocs/Pressemitteilungen/01_lebensmittel/2022/2022_06_02_PM_Warning_Erdnussbutter.html).

Shops selling unpackaged goods:

On 1 June 2022, the BVL released information on what consumers should observe when buying products from shops selling unpackaged goods as regards hygiene, safety of the packages (brought along or as a reusable system) and the labelling of the products (in German: https://www.bvl.bund.de/SharedDocs/Fokusmeldungen/01_lebensmittel/2022/2022_06_unverpackt-Laeden.html).

Veterinary drugs:

The BVL published the announcement regarding the approval of veterinary drugs and other official acts as of 4 April 2022 (in German: <https://www.bundesanzeiger.de/pub/publication/EZms1CRgolJM1aIOjkP/content/EZms1CRgolJM1aIOjkP/BAnz%20AT%2003.05.2022%20B4.pdf?inline>).

News from the BfR

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

Ethylene oxide - FAQ:

On 2 June 2022, the BfR published questions and answers regarding the possible health risks of ethylene oxide and 2-chloroethanol residues in foods. On 22 June 2022, an updated version was released (in German: https://www.bfr.bund.de/de/gesundheitsrisiko_von_ethylenoxid_in_lebensmitteln-299015.html).

Ciguatera - FAQ:

Questions and answers regarding intoxications through ciguatoxins (algal toxins) from saltwater fish and seafood were published on 16 May 2022 (in German: https://www.bfr.bund.de/de/ciguatera_vergiftungen_durch_ciguatoxine_algentoxine_aus_seefisch_und_meeresfruechten-297571.html).

Coronaviruses on glass:

A BfR study provides data regarding the stability of corona viruses on glass surfaces and their inactivation through conventional rinsing processes. According to this study, commercially available detergents and manual glass washers remove the viruses effectively (Press release 16/2022 dated 3 May 2022, https://www.bfr.bund.de/en/press_information/2022/16/coronaviruses_on_glass_commercial_detergents_and_manual_glass_washers_effectively_remove_viruses_from_glass-296609.html).

BfR – world almanac regarding food safety:

The manual that was released by the BfR provides an overview of the administrative structures of different countries in food and feed safety and is also available online now (Press release 21/2022 dated 7 June 2022, https://www.bfr.bund.de/en/press_information/2022/21/now_also_online_the_bfr_world_food_safety_almanac-299439.html).

EFSA publications

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

Glyphosate:

On 10 May 2022, the EFSA issued a schedule for the reassessment of glyphosate. According to that, the conclusions should be available in July 2023 (<https://www.efsa.europa.eu/en/news/glyphosate-efsa-and-echa-update-timelines-assessments>).

CBD:

The assessments of the EFSA regarding cannabidiol as a novel food are suspended until new data is available (Publication as of 7 June 2022, <https://www.efsa.europa.eu/en/news/cannabidiol-novel-food-evaluations-hold-pending-new-data>).

Modifications regarding pesticides

EU monitoring:

A new regulation on a multiannual control programme of the Union for pesticide residues for the years 2023, 2024 and 2025 was published in the Official Journal of the European Union (Implementing Regulation (EU) 2022/741 dated 13 May 2022; <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0741&qid=1658164527339&from=EN>). According to this regulation, specifically defined foods will be examined for each year (ten that are of plant origin and two that are of animal origin, respectively).

Information on pesticides from the BVL:

Extensive information on approved pesticides, revoked and suspended approvals as well as on emergency approvals, for example, can be obtained 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).

Sentences

CBD tofu is subject to approval:

The Administrative Court of Trier decided that a cannabidiol-containing tofu product will be considered as a novel food. Without prior approval, it is not marketable (Administrative Court of Trier, 11 March 2022, Ref. 6 K 3630/21. TR; in German: <https://www.vzbv.de/urteile/zur-zulassungspflicht-von-cbd-haltigen-lebensmitteln>).

Advertising “climate-neutral”:

Advertising a jam amongst others with the indication “climate-neutral product” without further-leading advice is anti-competitive when climate neutrality is solely achieved on the balance sheet through compensation. This is what the District Court of Mönchengladbach decided on 25 February 2022 (Ref. 8 O 17/21; in German: <https://dejure.org/dienste/vernetzung/rechtsprechung?Gericht=LG%20M%F6nchen%20gladbach&Datum=25.02.2022&Aktenzeichen=8%20O%2017%2F21>).

Reference is also made to this judgment by the Higher Regional Court of Schleswig-Holstein. It made the following judgment on 30 June 2022: “The advertising statement “climate-neutral” for merchandise is not per se misleading. This applies all the more if at the same time it is pointed out that the climate neutrality is achieved through compensation measures” (in German: <https://www.gesetze-rechtsprechung.sh.juris.de/jportal/?quelle=jlink&docid=KORE262102022&psml=bssshoprod.psml&max=true>).

Miscellaneous

Nano-materials:

The EU Commission revised its recommendation for the definition of nano-materials (2022/C 229/01, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0614\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0614(01)&from=EN)).

FAQ regarding the Organic Farming Ordinance:

The EU Commission published a catalogue of questions and answers, which is continuously updated, regarding the currently applying regulations on ecological foodstuffs (https://agriculture.ec.europa.eu/farming/organic-farming/organics-glance_en).

Additive oat lecithin:

With Regulation (EU) 2022/1023 dated 28 June 2022, oat lecithin was approved as an additive for the food category cocoa and chocolate products (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R1023&from=EN>).

Novel Food – extension of the Union list:

Implementing Regulation (EU) 2017/2470 of the Commission for the creation of the Union List of novel food was modified by further implementing regulations, and the following permissions were thus granted:

- Protein from mung beans (*vigna radiata*) (Implementing Regulation (EU) 2022/673 dated 22 April 2022)
- Tetrahydrocurcuminoids (Implementing Regulation (EU) 2022/961 dated 21 June 2022)
- Kernels of the edible kind of *Jatropha curcas* L. (Barbados nut) (Implementing Regulation (EU) 2022/965 dated 21 June 2022).

Guidelines of the German Food Code:

The following modifications and revised versions were published in the Federal Gazette:

- Modification of the guidelines for ice cream (in German:
<https://www.bundesanzeiger.de/pub/publication/CY62um7oUTekPWfUpfl/content/CY62um7oUTekPWfUpfl/BAAnz%20AT%2005.05.2022%20B1.pdf?inline>)
- Modification of the guidelines for honey (in German:
<https://www.bundesanzeiger.de/pub/publication/G9UzvCiiURNAbosztqOz/content/G9UzvCiiURNAbosztqOz/BAAnz%20AT%2010.05.2022%20B1.pdf?inline>)
- Modification of the guidelines for fish and fish products (in German:
<https://www.bundesanzeiger.de/pub/publication/xqtpLyvxdv7VrSO2bB1/content/xqtpLyvxdv7VrSO2bB1/BAAnz%20AT%2001.06.2022%20B1.pdf?inline>)
- Revised version of the guidelines for fruit products (in German:
<https://www.bundesanzeiger.de/pub/publication/2GQmdq8vT7y0Ke81U9h/content/2GQmdq8vT7y0Ke81U9h/BAAnz%20AT%2009.06.2022%20B1.pdf?inline>)
- Revised version of the guidelines for tea, herbal and fruit tea as well as their extracts and preparations (in German:
<https://www.bundesanzeiger.de/pub/publication/dmta7fxcubw4HvepM4U/content/dmta7fxcubw4HvepM4U/BAAnz%20AT%2017.06.2022%20B4.pdf?inline>)

Last update: 30 June 2022

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 6 May and 8 July 2022**.

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
Mycotoxins				
Aflatoxins total: 82	peanuts, figs, pistachios, watermelon seeds, hazelnuts, brazil nuts, almonds (including products)			61
	dates	Tunisia	B1: 11 µg/kg; total: 12 µg/kg	1
	nutmeg	Indonesia	B1: up 8.8 µg/kg; total: up 12.2 µg/kg	1
	organic tonka beans	Brazil	B1: 7.8 µg/kg; total: 13.2 µg/kg	1
	chili powder, paprika, seasoning mixes	India, Morocco, Pakistan	B1: up 12.3 µg/kg; total: up 12.8 µg/kg	3
	organic cornflakes	Germany (raw material Italy)		1
	organic buckwheat	Poland	B1: 8.95 µg/kg; total: 11.4 µg/kg	1
	brown basmati rice, brown rice	Pakistan	B1: up 48 µg/kg; total: up 53 µg/kg	13

Reason for Notifying	Product	Country of Origin	Notes	Number
Ochratoxin A	basmati rice, rice	India	up 16.5 µg/kg	4
	raisins	Uzbekistan	16.4 µg/kg	1
	organic figs, figs	Turkey	up 195.2 µg/kg	3
	dried apricot pieces	Turkey	3.7 µg/kg	1
	dried pepper	Peru	39 µg/kg	1
	flour, oats	Czech Rep., UK	up 7.3 µg/kg	2
Heavy Metals / Other Metals				
Lead	deer salami	Italy	1.23 mg/kg	1
	Chanca Piedra	USA	3.4 mg/kg	1
	carrot puree baby food, carrots	Sweden, Netherlands	0.15 mg/kg	2
	diatomaceous earth	Czech Rep. (raw material Peru)	3.68 mg/kg	1
Cadmium	cuttlefish, squid, sardines, mussels	Spain, Thailand, Philippines, Chile	up 2.8 mg/kg	4
	horse meat, horse kidneys	Romania	up 24.3 mg/kg	2
	parsley	Poland	0.140 mg/kg	1
	avocado	Peru	up 0.08 mg/kg	3
	peas	Peru	0.033 mg/kg	1
	cocoa powder	USA, Peru	up 1.1921mg/kg	2
Mercury	fish, fish products	Morocco, Spain, USA, Kenya, Tunisia, Seychelles, France, Sri Lanka	up 3.9 mg/kg	15
	ginkgo biloba extract	China	0.123 mg/kg	1
Arsenic	tetrapotassium pyrophosphate powder	China	5.8 mg/kg	1
Tin	canned apricot	China	243.14 mg/kg	1
	canned lychees	Netherlands	up 334 mg/kg	1
Other Contaminants / Residues				
Ethylene oxide, 2-Chloroethanol	cayenne pepper, curry leaves, spice mixture, chilis, paprika, turmeric, black pepper	China, India, Hong Kong		8
	food supplement	UK, USA		3
	sesame seeds	India		1
	plant extracts	India, China		4
	ice cream, condiment sauce	France, India		2
	zinc gluconate, xanthan	India, China		2
	instant noodle dish, instant noodles	Thailand, Rep. of Korea, Vietnam, unknown		5
	smoothie powder mix	Russian Federation		1

Reason for Notifying	Product	Country of Origin	Notes	Number
Chlorate	pea drink	Italy	2.4 mg/kg	1
Cyclo-di-BADGE (CbB)	coffee drink in cans	Denmark	up 474 µg/kg	1
Semicarbazide (SEM)	pork casings	China	1.12 µg/kg	1
	gelatine	Pakistan	9.11 µg/kg	1
Bisphenol A	feta cheese	Greece	3.727 mg/kg	1
Coumarin	cinnamon sticks	Latvia	23.6 mg/kg	1
Benzo(a)pyrene, PAH	organic turmeric	India	Benzo(a)pyrene: up 35.6 µg/kg	1
	white pepper	Vietnam	Benzo(a)pyrene: 12.2 µg/kg; PAH: 78.8 µg/kg	1
	sunflower oil	Ukraine	Benzo(a)pyrene: up 3.69 µg/kg; PAH: up 15.3 µg/kg	2
Acrylamide	crackers, oatmeal biscuits	Northern Macedonia, UK	up 908.9 µg/kg	2
3-Monochlor-1,2-propanediol (3-MCPD)	palm oil	Ghana, Malaysia, Singapore	up 4,446 µg/kg	3
Glycidyl esters	vegetable ghee	United Arab Emirates	2,188 µg/kg	1
	sesame oil	India	4,606 µg/kg	1
	sunflower oil	Netherlands	1.32 mg/kg	1
Pyrrolizidine alkaloids (PA)	cumin	Turkey	up 12,350 µg/kg	2
	cumin seeds	India	up 154,000 µg/kg	1
	oregano	Turkey	up 2,644.1 µg/kg	2
Tropane alkaloids	corn chips	Germany		1
	savory	Austria	sum Atropine and Scopolamine: 106 µg/kg	1
Histamine	fish, fish products	Netherlands, France, Spain	up 1,120 mg/kg	4
Nitrite	organic baby spinach	Italy	58.1 mg/kg	1
Hydrogen cyanide	aprikot kernels	Netherlands, Turkey	up 2,359 mg/kg	2
	food supplement	Slovakia	up 66.0 mg/dosage	2
Pharmacological Active Substances				
Aloin, Hydroxyanthracene derivatives	food supplement	Spain		1
1,3-Dimethylamylamine (DMAA)	food supplement	unknown, USA		2
Enrofloxacin	poultry meat, lamb meat	Poland, Serbia	up 300 µg/kg	2
Hupercine A	food supplement	China, unknown		2
Cannabidiol (CBD)	CBD oil	Poland, Czech Rep.		2
	hemp oil	Netherlands		1
	food supplement	Netherlands, USA, Poland, unknown		5

Reason for Notifying	Product	Country of Origin	Notes	Number
	beverages, sweets, tea, various products	unknown, Spain		2
Tetrahydrocannabinol (THC)	food supplement	unknown	2,305 mg/kg	1
	CBD oil	Czech Rep.	up 980 mg/kg	1
Morphine	blue poppy	Turkey	121.56 mg/kg	1
Shellfish poisons (Pinnatoxins, DSP toxins)	mussels	Netherlands, France, Poland		4
Tetracyclines	chicken products	Netherlands	Doxycyclin: up 193 µ/kg	1
	buffalo meat	Italy	(Oxytetracyclin)	1
	pig meat (trimmings)	Netherlands	Oxytetracyclin: up 1,908 µg/kg	1
Nortadalafil	food supplement	Curacao		1
Sildenafil	food supplement	Netherlands		1
Yohimbine	food supplement	unknown		1
Unauthorised Colours				
- none -				
Miscellaneous				
Parasitic infestation with Anisakis	fish	Denmark, France, Morocco		3
GMO, not authorised	green papaya	Thailand		1
	rice noodles, rice	Vietnam, China		2
Unauthorised irradiation	food supplement	USA		2
Allergens (peanut)	liquid soy lecithine	India		1
Foodborne disease outbreak	tuna	India		1
Pathogenic Germs				
Salmonella total: 100	meat / meat products (including poultry)			62
	ground cheese mix	Spain		1
	egg powder	Bulgaria		3
	gelatine leaves, pig gelatine	Germany, Belgium		2
	black pepper	Brazil		4
	pimento, curry powder, thyme, organic salt and pepper mix, fenugreek seeds, paprika powder	Mexico, unknown, Italy, Denmark, Pakistan, China		6
	tahini, sesame seeds	Ethiopia, Syria, India, Uganda, Nigeria		14
	sprouted seeds, linseed	France, Kazakhstan		2
	chocolate products, halva spread	Switzerland, Belgium, Syria		3
	organic protein bar, strawberry cream pastry	Switzerland, Netherlands		2
	soup	Netherlands		1

Reason for Notifying	Product	Country of Origin	Notes	Number
<i>Bacillus cereus</i>	organic tofu medaillons with spinach, ginger powder	Italy, India		2
<i>Campylobacter</i>	pigeon	France		1
<i>Cronobacter spp.</i>	initial infant milk formula	Czech Rep.		1
<i>Listeria monocytogenes</i>	fish, fish products	Netherlands, Ireland, Poland, UK		4
	meat / meat products (including poultry)	Belgium, Romania, Germany, Italy, Netherlands		6
	burrata, cream cheese, cheese, mozzarella, soft cheese, raw goat milk cheese	Italy, Spain, Czech Rep., Poland, France		6
	salads mixture	Sweden		1
	Brussels waffles, roasted corn, vegan falafel, vegetal cheese-like speciality	Belgium, Spain, Netherlands, France		4
Shigatoxin producing <i>E.coli</i> (STEC)	beef	Brazil, Argentina		3
<i>Vibrio cholerae</i>	shrimps	Ecuador		4
Norovirus	oysters, mussels	France, Netherlands		5

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Date of publication: 24 August 2022

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