

Food Legislation News

No. 5 – October 2024

Statements of the ALS

At its 122nd meeting, the Working Group of Food Chemistry Experts from the Federal Office of Consumer Protection and Food Safety (ALS) issued the following statements, among others:

Designation of an enriched wheat flour:

The sole indication “wheat flour” is not sufficient as a designation for wheat flour enriched with vitamins and/or minerals. Such enrichment must be clearly indicated in conjunction with the name. The ALS gives the examples “enriched with...” and “with ...”. In the list of ingredients of a foodstuff, the enriched flour must be stated with its specific name, which indicates the enrichment. As a compound ingredient, all ingredients of the enriched flour must be listed individually (Statement No. 2024/01).

Designation of mixtures of different types of flour with other ingredients:

The term “flour mix” (German: Mehlmischung) is not a sufficiently descriptive term for a mixture of different flours that contains other ingredients (e.g. starch from potatoes) and/or food additives (Statement No. 2024/02).

List of ingredients for vinegar essence:

Vinegar essence consists of acetic acid and added water. As there is no exemption from the Food Information Regulation (FIR), a list of ingredients is required (Statement No. 2024/104).

Use of terms from the guidelines for spices:

The designations described in the guidelines are customary designations. They therefore cannot be fantasy designations or product names. Furthermore, it is not possible to indicate two non-matching designations from the guidelines in parallel on one product (Statement No. 2024/05).

Labelling of the origin for the primary ingredient in pre-packaged organic food with voluntary indication of “Produced in country XY”:

In the case of organic food, the place of production of the agricultural raw materials (e.g. ‘EU/non-EU agriculture’) must be indicated in conjunction with the EU organic logo. If a voluntary statement such as ‘Produced in country XY’ is also made, but the origin of the primary ingredient differs from this, then the different origin of the primary ingredient must be labelled (Statement No. 2024/06).

General marketing of children's teas to suggest they are also suitable for infants and toddlers:

So-called 'children's teas' are to be assessed according to the stricter requirements for herbal and fruit teas for infants or small children, unless the manufacturer expressly excludes consumption by this age group. As the term 'children' also includes infants, it must be made clear by means of a corresponding clarification or an age indication that infants and young children are to be excluded (Statement no. 2024/08).

Note:

Statements from the ALS are not legally binding; they can be regarded as expert opinions.

At https://www.bvl.bund.de/DE/Arbeitsbereiche/01_Lebensmittel/01_Aufgaben/11_ALS_ALTS/02_ALS/ALS_node.html you will find further details and an up-to-date overview of the opinions, the current session and the archive (in German).

News from BfR

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

Acrylamide – Update:

In its communication 032/2024, the BfR explains that acrylamide is not only formed by heating starch-containing foods, but that according to a study, there are clear indications that acrylamide is also formed in the body itself (<https://www.bfr.bund.de/cm/349/acrylamide-is-also-produced-in-the-body-itself.pdf>; Study: Internal exposure to heat-induced food contaminants in omnivores, vegans and strict raw food eaters: biomarkers of exposure to acrylamide (hemoglobin adducts, urinary mercapturic acids) and new insights on its endogenous formation | Archives of Toxicology (springer.com)).

Furthermore, the BfR published a revised version of the catalogue of questions and answers on acrylamide on 26 August 2024 (<https://www.bfr.bund.de/cm/349/gilding-instead-of-charring-questions-and-answers-about-acrylamide-in-food.pdf>).

Per- and polyfluoroalkyl substances (PFAS):

The BfR has issued an updated statement on the relationship between animal feed and compliance with maximum levels of PFAS in animal foodstuffs (Statement 033/2024 of 10 July 2024, <https://www.bfr.bund.de/cm/349/feed-is-key-to-compliance-with-maximum-pfas-levels-in-food-of-animal-origin.pdf>).

In a further statement, the BfR explains its opinion that the consumption of wild boar liver contributes to a high intake of PFAS (Statement 036/2024 of 2 August 2024, <https://www.bfr.bund.de/cm/349/the-consumption-of-wild-boar-liver-contributes-to-a-high-intake-of-pfas.pdf>).

Healthier barbecuing:

In its communication 034/2024 of 12 July 2024, the BfR provides information on how to avoid foodborne infections and the formation of substances of health concern when barbecuing (<https://www.bfr.bund.de/cm/349/healthier-barbecuing-how-to-avoid-food-infections-and-the-formation-of-substances-that-are-harmful-to-health.pdf>).

Hygiene topics – FAQ:

The BfR has compiled a list of frequently asked questions and answers on various hygiene topics:

- 'Selected questions and answers on hygiene of food and consumer goods in times of avian influenza – How can I protect myself and my family?' (FAQ from 8 August 2024, https://www.bfr.bund.de/cm/349/selected-questions-and-answers-relating-to-hygiene-of-food-and-consumables-in-times-of-the-bird-flu_final.pdf).

- "Foodborne infections in private households - recognising sources, avoiding risks" (FAQ from 22 August 2024, <https://www.bfr.bund.de/cm/349/foodborne-infections-in-private-households.pdf>).
- "STEC/EHEC-infections from food recognising and preventing risks" (FAQ from 2 September 2024, https://www.bfr.bund.de/en/stec_ehec_infections_from_food_recognising_and_preventing_risks-317298.html).

Cannabinoids in CBD oils:

As part of a research project, the amount of CBD, THC and other cannabinoids contained in so-called CBD oils was investigated (Communication 035/2024 of 19 July 2024, in German: <https://www.bfr.bund.de/cm/343/cannabinoide-in-cbd-oelen-wieviel-ist-enthalten.pdf>. Research results: <https://link.springer.com/article/10.1007/s00003-024-01513-9>).

Ergot alkaloids - FAQ updated:

The BfR has revised and updated its catalogue of questions and answers on ergot alkaloids (mother grain alkaloids) in cereal products (FAQ from 25 July 2024, in German: <https://www.bfr.bund.de/cm/343/fragen-und-antworten-zu-ergotalkaloiden-in-getreideerzeugnissen.pdf>).

Melatonin-containing food supplements:

In its statement 038/2024 of 8 August 2024, the BfR points out possible health risks (in German: <https://www.bfr.bund.de/cm/343/melatoninhaltige-nahrungsergaenzungsmittel-bfr-weist-auf-moegliche-gesundheitsrisiken-hin.pdf>).

EFSA-Publications

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

Vibrios in seafood and fishery products:

On 23 July 2024, the EFSA published information according to which vibrios in seafood and fishery products are expected to pose an increased risk due to climate change and antimicrobial resistance. Selected questions and answers on this topic have also been compiled (<https://www.efsa.europa.eu/en/news/vibrio-bacteria-seafood-increased-risk-due-climate-change-and-antimicrobial-resistance>).

Vitamin E:

The EFSA has published an opinion on the re-evaluation of the tolerable upper intake level (UL) for vitamin E. It recommends retaining the previous UL of 300 mg/day for adults and the values derived from this for each age group for children. However, a UL of 50 mg/day was set for infants aged 4-6 months and a UL of 60 mg/day for infants aged 7-11 months (<https://www.efsa.europa.eu/en/efsajournal/pub/8953>).

Tetrabromobisphenol A:

An updated risk assessment on the brominated flame retardant tetrabromobisphenol A (TBBPA) and its derivatives was published on 15 July 2024. A tolerable daily intake (TDI) of 0.7 µg/kg body weight per day was determined for TBBPA and the EFSA currently sees no health risk from TBBPA levels in foods (<https://www.efsa.europa.eu/en/efsajournal/pub/8859>).

Arsenic - small organic arsenic compounds in food:

In small organic arsenic compounds, only methyl groups are bound to arsenic. Dimethylarsinic acid (V) (DMA (V)) and monomethylarsonic acid (V) (MMA (V)) occur most frequently in food. The data showed a possible risk to the population for DMA (V). No risk to the population was seen for MMA (V). Overall, EFSA recommends developing more sensitive analytical methods and conducting further studies (<https://www.efsa.europa.eu/en/efsajournal/pub/8844>).

Publications of the BVL

The Federal Office of Consumer Protection and Food Safety (BVL) has issued the following information, among others:

Veterinary medicinal products:

The BVL has published the notices on the authorisation of veterinary medicinal products and other official acts of 19 June and 24 July 2024.

Links (in German):

https://www.bvl.bund.de/SharedDocs/Downloads/05_Tierarzneimittel/Bekanntmachungen/2024_07_17_Bekanntmachung_BAnz.pdf?__blob=publicationFile&v=2

https://www.bvl.bund.de/SharedDocs/Downloads/05_Tierarzneimittel/Bekanntmachungen/2024_08_20_Bekanntmachung_BAnz.pdf?__blob=publicationFile&v=2

Plant protection products:

Comprehensive information on authorised plant protection products, revoked and suspended authorisations or, for example, emergency authorisations can be found on the website 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/pp_authorised_node.html).

Judgements

Base price for freshly squeezed orange juice:

According to the Karlsruhe Higher Regional Court (OLG), a price comparison must also be possible for freshly squeezed orange juice for self-bottling and therefore the basic price must be indicated. Appealing to the Federal Court of Justice was allowed (OLG Karlsruhe, 9 July 2024, Ref. 14 UKI 1/23, in German: <https://oberlandesgericht-karlsruhe.justiz-bw.de/pb/Lde/Startseite/Medien/Frisch+gepresster+Orangensaft/>, <https://www.landesrecht-bw.de/bsbw/document/NJRE001579862>).

“Immune Water”:

The term ‘immune water’ for a soft drink constitutes an inadmissible health claim and is therefore prohibited (OLG Koblenz, 4 June 2024, Ref. 9 U 1314/23, not legally binding, in German: <https://www.vzbv.de/urteile/gericht-verbietet-gesundheits-werbung-fuer-hohes-c-immun-water>).

Beer “Hamburg” - misleading designations of origin:

The Regional Court of Hamburg has prohibited the use of the designations ‘REEPER B.’, ‘Hamburg’ and ‘ST. PAULI’ for a beer that was neither brewed nor bottled in Hamburg as misleading designations of origin (LG Hamburg, 25 May 2024, Ref. 312 O 336/20, not legally binding, in German: <https://dejure.org/dienste/vernetzung/rechtsprechung?Gericht=LG%20Hamburg&Datum=25.04.2024&Aktenzeichen=312%20O%20336%2F20>).

Claims of ‘healthy nutrition’ for ready meals:

Advertising for ready meals with claims such as ‘healthy nutrition made easy’, ‘healthy ready meals’ or ‘healthy meal’ is misleading. Such general health claims are only permitted if they are accompanied by permissible specific health claims (LG Oldenburg, 5 August 2024, Ref. 15 O 1594/24, not legally binding, in German: <https://www.wettbewerbszentrale.de/pauschale-bezeichnung-von-fertiggerichten-als-gesunde-ernaehrung-ist-rechtswidrig/>).

Miscellaneous

Amendments to the EU Contaminants Regulation:

The EU Contaminants Regulation (Regulation (EU) 2023/915) was amended by the following regulations:

- Regulation (EU) 2024/1756: Various amendments and corrections, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401756
- Regulation (EU) 2024/1808: Changes to the date from which lower maximum levels for ergot sclerotia and ergot alkaloids apply, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401808
- Regulation (EU) 2024/1987: Maximum levels for nickel in certain foodstuffs, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401987.

Smoke flavours:

Implementing Regulation (EU) 2024/2067 of 31 July 2024 removed the smoke flavourings SF-001 to SF-010 from the Union list of authorised primary products for the production of smoke flavourings (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202402067).

Red mould rice:

The red mould rice health claim related to monacolin K has been removed from the list of permitted health claims (Regulation (EU) 2024/2041, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202402041).

Food supplements:

The novel food 'iron milk caseinate' was authorised as a source of iron in food supplements by Regulation (EU) 2024/1821 of 25 June 2024 (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401821).

Additives - updated descriptors:

The 7th version of the descriptors describing the food categories of Regulation (EC) No 1333/2008 on additives has been published on the homepage of the European Union (https://food.ec.europa.eu/system/files/2022-12/fs_food-improvement-agents_guidance_1333-2008_annex-2.pdf).

Guideline for the assessment of mustard:

The Food Association has published guidelines for the assessment of mustard in a new design (in German: <https://www.lebensmittelverband.de/de/medien/publikation/richtlinie-beurteilung-senf>).

Last update: 4 September 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 6 July and 12 September 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: 62	peanuts, pistachios, figs, hazelnuts, almonds, pekan kernels (including products)			56
	organic sunflower meal	Germany	B1: 6.8 µg/kg; total: 11.5 µg/kg	1
	brown beans	Ghana	B1: 57 µg/kg; total: 100 µg/kg	1
	spice mixture	Turkey	B1: 17.03 µg/kg	1
	corn flour	Colombia	B1: 6.1 µg/kg; total: 7.7 µg/kg	1
	nutmeg	Indonesia	B1: 12.0 µg/kg; total: 12.0 µg/kg	1
	rice	Pakistan	B1: 5.3 µg/kg; total: 5.3 µg/kg	1
Ochratoxin A	sultanas, raisins, figs, mulberries	Uzbekistan, China, Afghanistan, Turkey	up 47 µg/kg	7
	dried fruit balls with chocolate	Serbia	16.5 µg/kg	1
	basmati rice, rice	India, Pakistan	up 7.95 µg/kg	3
	organic buckwheat	Poland	28.60 µg/kg	1
	organic quinoa	Italy	up 7.7 µg/kg	1
	cayenne pepper	China	37.0 µg/kg	1
	ground nutmeg	Indonesia	110 µg/kg	1
	cocoa powder	Germany	4.89 µg/kg	1
	pistachio powder	Spain	11.4 µg/kg	1
Heavy Metals / Other Metals				
Lead	canned pineapple pieces	Thailand	0.252 mg/kg	1
	ground cinnamon	Vietnam	3.6987 mg/kg	1
	green lentils	Poland and Turkey		1
	corn cobs	Spain	0.20 mg/kg	1
Cadmium	apricots, tomatoes, red peppers, mangosteen	Moldova, Italy, Bosnia and Herzegovina, Vietnam	up 0.065 mg/kg	5
	avocados	Peru	up 0.102 mg/kg	3
	chips, millet flour	Belgium, India	up 0.27 mg/kg	2
	tuna	Indonesia	0.5 mg/kg	1
	crab	UK	0.95 mg/kg	1
	mussels, octopus, squid	Chile, Albania and India, Spain	up 2.3 mg/kg	4
	red snapper	Argentina	0.054 mg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
	sunflower kernels	USA	0.9 mg/kg	1
Mercury	fish / fish products	Spain, Tunisia, Portugal, Ecuador, Sri Lanka, Senegal	up 3.4 mg/kg	15
Arsenic	rice	Italy, Thailand	up 0.215 mg/kg	2
Chromium	food supplement	Belgium	399 mg/kg	1
Other Contaminants / Residues				
Ethylene oxide, 2-Chloroethanol	food supplement	India		2
	spice mixtures, spices, psyllium husks, sesame seeds	India		6
	organic barley juice powder	USA		1
Benzo(a)pyrene, PAH	food supplement with green tea extracts	Netherlands	Benzo(a)pyrene: up 23 µg/kg; PAH: 86 µg/kg	1
	refined coconut oil	Lithuania	Benzo(a)pyrene: 2.7 µg/kg; PAH: 36.1 µg/kg	1
Erucic acid	mustard oil	India	44.1 g/100g	1
	mustard seeds	Russia	78.2 g/kg	1
Furan	baby food	Germany	31 µg/kg	1
Mineral oil hydrocarbons (MOSH, MOAH)	lemon grass powder	Thailand	6.3 mg/kg	1
	decaf coffee, organic coffee, coffee pads	Belgium, Peru, Germany	MOAH: up 8.7 mg/kg	3
	vegetable oil	Spain	MOAH: 53 mg/kg	1
	palm fat powder	Malaysia	MOAH: 3.5 mg/kg	1
	palm oil	Guinea, Ghana, Nigeria, Ecuador	MOAH: up 22 mg/kg	4
	basmati rice	Pakistan	up 74 mg/kg	1
	snacks	Poland	MOAH: up 8.7 mg/kg; MOSH/POSH: up >1,000 mg/kg	1
	whole wheat crackers	Germany	MOAH: 2.0 mg/kg	1
	chewing gum	Belgium	MOAH: 1.2 mg/kg	1
Per- and polyfluorinated alkyl substances (PFAS)	cooked mussels	Vietnam	PFOA: up 8.1 µg/kg	2
Acrylamide	biscuits	Northern Macedonia	475.9 µg/kg	1
3-Monochloro-1,2-propanediol (3-MCPD)	instant noodles vegetable flavour	Bangladesh	noodles: 2,516 µg/kg; topping (oil): 6,643 µg/kg; seasoning topping: 4,992 µg/kg	1

Reason for Notifying	Product	Country of Origin	Notes	Number
	instant noodles	Nigeria	noodles: 2,659 µg/kg fat; sauce: 1,257 µg/kg fat	1
	pastries	Iran	3,475 µg/kg	1
Glycidyl esters	sunflower oil	Ukraine	1,253 µg/kg	1
	instant noodles vegetable flavour	Bangladesh	noodles: 4,795 µg/kg; topping (oil): 4,777 µg/kg; seasoning topping: 263 µg/kg	1
	instant noodles	Nigeria	noodles: 3,154 µg/kg fat; sauce: 8,303 µg/kg fat	1
	pastries	Iran	1,893 µg/kg	1
Ergot (<i>Claviceps purpurea</i>)	wheat gluten, wheat	Belgium, France		2
Perchlorate	avocados	Peru	0.50 mg/kg	1
Pyrrolizidine alkaloids (PA)	cumin	Poland, India, Turkey	up 1,743.4 µg/kg	4
	oregano	Turkey	up 3,969 µg/kg	3
	herbal tea	Bulgaria, Egypt	up 611 µg/kg	2
	chamomile-dill tea	Poland	541 µg/kg	1
Tropane alkaloids	spinach	Italy		1
	teff flour	South Africa	19.1 µg/kg	1
Histamine	fish / fish products	Sri Lanka, Poland, Morocco, Albania unknown	up 1,850 mg/kg	7
Pharmacological Active Substances				
Cannabidiol (CBD), Cannabinphorol (CBNP), Tetrahydrocannabinol (H4CBD)	fruit gummies	Netherlands	CBD, CBNP	1
	CBD oil	unknown	CBD, H4CBD	1
	food supplement, CBD oils, CBD products	France, UK, Germany, Netherlands, Czech Rep., Cyprus	CBD	9
Tetrahydrocannabinol (THC)	food supplement	Poland		1
Closantel	ovine liver	Ireland	>2,500 µg/kg	1
Dihydrostreptomycin	bovine meat	France	1,320 µg/kg	1
1,3-Dimethylamylamin (DMAA)	food supplement	USA		1
Huperzin A	food supplement	UK		1
Leucomalachite green	fish	Vietnam	up 1.47 µg/kg	2
Melatonin	food supplement	Spain, unknown		2

Reason for Notifying	Product	Country of Origin	Notes	Number
Metronidazole	beef	Poland		1
Morphine alkaloids	poppy seeds	Czech Rep.	up 208 mg/kg	2
	burger bun	France	3.604 mg/kg	1
Nitrofurantol metabolites	shrimps	India	up 0.7 µg/kg (AOZ)	2
Phenylbutazone	horsemeat	Northern Ireland		1
Tetracyclines	chicken	Ukraine	436 µg/kg (Doxycycline)	1
Totrazuril	piglet carcasses	Spain	>200 µg/kg	1
Anabolic-androgenic steroids	salmon	UK		1
Synephrin	food supplement	Netherlands		1
Sulbutiamin	food supplement	USA		1
Sibutramine	food supplement	Turkey		3
Sildenafil	food supplement	India, Turkey		3
Yohimbine	food supplement	USA, Poland		2
Unauthorised Colours				
Sudan I	curry	Turkey		1
Sudan I und Sudan IV	curry powder	Turkey		1
Sudan I und Sudan III	chili powder	Afghanistan		1
Titanium dioxide (E 171)	chickpeas, biscuits and candies	Turkey		2
	chocolate decorations, food supplement	Spain		2
Miscellaneous				
High pH	beef tripe	Italy	up 12.6	1
Unauthorised novel food Tongkat ali (<i>Eurycoma longifolia</i>)	food supplement	unknown, China, USA, Poland		5
Parasitic infestation with Anisakis	fish / fish products	France, Morocco		3
GMO, not authorised	basmati rice, rice cake, rice noodles	Pakistan, China, Vietnam		4
	miso	China		1
Foodborne disease outbreak	apricot kernels	unknown		1
	mussels	Netherlands		1
	raw milk sheep's cheese	Spain		1
	chicken thigh meat	Poland		1
	breaded fish fillet	France		1

Reason for Notifying	Product	Country of Origin	Notes	Number
Pathogenic Germs				
Salmonella total: 81	meat / meat products (including poultry)			45
	tuna	Sri Lanka		1
	mussels	Italy (raw mat. Turkey), Netherlands		2
	eggs	Italy		1
	black pepper, ground chillies, basil, thyme-leaf sandwort	Brazil, China, Egypt, Austria		4
	sprouts, salad mix	Netherlands, Sweden, Italy and Belgium		4
	sesame / sesame products	Syria, UK, Lebanon, India, Sudan, Syria, Turkey		12
	pistachios, walnut kernels, hazelnut kernels, melon kernels, pumpkin seeds, snack mix (sunflower seeds, pumpkin seeds and pine nut)	USA, Italy, Nigeria, China, Estonia		9
	macaroons	France		1
	roasted cocoa beans	Germany		1
	frozen blackberries	Morocco		1
<i>Listeria monocytogenes</i>	meat / meat products (including poultry)	Italy, Ireland, Slovenia, Sweden, Belgium, Austria, Germany, France, Slovakia, Poland		10
	fish / fish products	Ireland, Poland, Germany, Lithuania, Latvia, Norway		12
	mozzarella, gorgonzola, sheep's cheese, cheese (burrata), cheese, raw milk cheese, raw milk goat's cheese	Luxembourg, UK, Italy, France, Ireland		11
	iceberg lettuce, ready-to-eat salad, spinach	Italy, France, Sweden		3
<i>Bacillus cereus</i>	lemon grass powder	Thailand		1
<i>Campylobacter jejuni</i>	grilled chicken	Netherlands		1
Shiga toxin-producing E.coli (STEC)	lamb	New Zealand		1
	cheese	France		2
	salad mix	Austria		1
Staphylococcus coagulase- positive	raw milk cheese, grilled chicken	France, Netherlands		2
<i>Vibrio cholerae</i> , <i>Vibrio</i> <i>parahaemolyticus</i> , <i>Vibrio</i> <i>vulnificus</i>	shrimps	Ecuador		2

Reason for Notifying	Product	Country of Origin	Notes	Number
<i>Yersinia enterocolitica</i>	raw milk goat`s cheese	France		1
Norovirus	mussels	Italy (raw mat. Portugal)		1

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