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Ramazzini set to publish new aspartame study

The Ramazzini Institute in Bologna has completed a second three-year rat study on aspartame which will be published imminently in a peer-reviewed journal. The results include embryonic exposure to aspartame – the effects on unborn babies of aspartame consumption.

Ramazzini's publication of choice might be *Environmental Health Perspectives*, which published its first findings and has subsequently run an exchange of letters on the controversy.

Publication will re-ignite the aspartame debate after the European Food Safety Authority (EFSA) dismissed the first Ramazzini rat study, saying there was no dose response in the experiment and that the rats were sick with pulmonary infections.

The new Ramazzini study, like the first, allows rats to live out their natural life rather than culling them at a certain life-span. It is a three-year study using a large number of rats.

A spokeswoman for Ramazzini would only say: "Publication is imminent. As soon as it (the article) is accepted in a peer-reviewed journal, we will be able to talk about the results.

"This experiment, using rats, looks at embryonic life and illustrates the effects of aspartame on pregnant women."

Ramazzini staunchly defended its first study against the criticisms from EFSA's AFC panel, responsible for additives and food contact materials, which argued the cancers were caused by lung infections rather than aspartame. Ramazzini's spokeswoman stressed to *EU Food Law* this week: "There is a huge amount of literature which shows respiratory infection is a factor in natural death."

Pathology slides

Ramazzini supplied more than 2,500 pages of data to EFSA on its first study but refused to give EFSA scientists its pathology slides. The spokesperson said it would take the same stance with the new study. "There is no precedent for this. EFSA did not ask for the slides for the previous, industry studies.

"There is no precedent for giving the slides to anybody and again that will be our response."

Ramazzini devoted many hours to answering EFSA questions over its first study but is unlikely to be so helpful the second time, given that its initial research was dismissed.

The first Ramazzini study claimed that rats fed the low-calorie sweetener aspartame had a significant increase in the incidence of leukaemia and lymphomas and scientists at Ramazzini called for an urgent review of exposure levels (see *EU Food Law* 15 July 2005). The research was formally presented in September 2005 at Framing the Future in the Light of the Past: Living in a Chemical world, organised by the Ramazzini Institute. EFSA began work in January 2006 on its opinion, after receiving the necessary data from Ramazzini. A UK government advisory committee, the Committee on Carcinogenicity, dismissed the Ramazzini findings in May (see *EU Food Law* May 2005) and at a press conference in Rome, EFSA dismissed the Ramazzini study, saying that the blood cancers were caused by inflammatory lung disease, not aspartame. The AFC panel said there was no clear dose response between the rats fed low amounts of aspartame and those fed high amounts. If aspartame was causing the cancers, the panel would expect a dramatic dose response, chair of the working group Iona Pratt told the media.

The EFSA panel confirmed an acceptable daily intake of aspartame of 40 mg per kg of bodyweight. Pratt said someone would have to consume 80 packs of coffee sweetener a day to exceed this.

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Lower incidence of cancer in control group

The EFSA risk assessment conceded, however, that the control group, which had a much lower incidence of cancers than the rats fed aspartame, was also infected with this inflammatory lung disease. Critics of the EFSA risk assessment said that if the cancers were caused by inflammatory lung disease then the control group would have had as many cancers as the rats fed aspartame.

British MP says rats were healthy

The British MP Roger Williams, who has called in the House of Commons for a ban on aspartame, visited Bologna to inspect the conditions of the Ramazzini rats for himself. A graduate in natural sciences from Cambridge University, he told *EU Food Law* this week. "I saw the rats. There was nothing wrong with them. They were running around as you would expect." Williams, who is the Liberal Democrat spokesman on food issues, said that he planned a second trip to Bologna to discuss the second study.

Conflicts of interest

The EFSA risk assessment has also been criticised by MPs and MEPs because of what they perceive as conflicts of interest among the panel members, particularly the chair Susan Barlow, who is an industry consultant. EFSA formed a separate working group made up of what it described as impartial people to produce the opinion, which was then agreed by the panel unanimously.

The sweeteners industry insists that aspartame is safe and says there are hundreds of studies which demonstrate its safety.

German authorities stop MBM exports amid concerns over food chain links

The German authorities have stopped some exports of carcass meal after publication of the Foodwatch campaign group of a report which revealed the illegal export to non-EU countries of at least 30,000 tonnes of meat-and-bone meal (MBM) generated from BSE risk category 3 animal by-products (see *EU Food Law* last week). Foodwatch also has evidence of MBM being exported for use in dog food and then re-imported to make salami for human consumption. It also says MBM was exported to Vietnam and bought

by animal feed companies, when this is expressly forbidden.

Foodwatch says it has initiated criminal proceedings against businesses in Germany and four rural district offices. It is calling on food minister Horst Seehofer to make use of Germany's presidency of the European Union to make meat businesses liable for properly disposing of animal by-products.

"Until that happens, all exports of animal meal to non-EU countries must be stopped," it said in a statement.

According to Regulation 1777/2002, category 3 slaughter by-products which include skin, udders, bones, fat, blood and spoiled meat, and the animal meal generated by them, can only be used to feed pets, zoo animals, fur animals or as fertilisers. They should not go into the food chain as animal feed. Any third country must have a bilateral agreement for any exports and so far there are only agreements between Germany and two third countries – Thailand and Israel. These exports should not include material from ruminant animals. But foodwatch says the law is broken because the European Union regulation requiring Category 3 meat-and-bone meal to be marked or made inedible for livestock by the use of dye or smell is not enforced in Germany.

"Nevertheless, reputable businesses like Europe's largest meat group VION and the PHW group, which includes Germany's leading poultry producer Wiesenhof, have exported category 3 meat-and-bone meal to non-EU countries," Matthias Wolfschmidt, foodwatch's vet said.

Foodwatch says authorities in some districts of Lower Saxony permitted the exports which the organisation believes to be illegal. Foodwatch has initiated legal action against SNP, a subsidiary of VION and against Gepro, which belongs to PHW as well as against Beckmann, a fertiliser trader. District authorities in Emsland, Oldenburg, and Vechta stopped exports immediately.

Foodwatch is calling for businesses to assume liability for handling of animal wastes in the same way that European waste legislation dictates the handling of other waste. "All wrongdoing regarding slaughter by-products, spoiled meat and animal meal won't end until the EU dictates clear regulations on waste. Otherwise nothing will change the scandalous conditions persisting at the cost of consumers," said Wolfschmidt.

Foodwatch says exports of category 3 raw material are not documented by the authorities and their use is not monitored in the recipient country. Therefore, the processing of these materials into foods and their re-import to Germany cannot be ruled out. "In this way, dog food can be turned into sausage or ground meat."

It says that in March 2006, inspectors found bone and cartilage in a salami plant at Bad Buchau. Foodwatch research revealed that the Josi Fleisch company had re-imported category 3 raw materials originally exported as dog food, processed the material into ground meat and sold it to Romanian buyers, among others. Charges against the company and manager have been filed at the Biberach district court.

Fertiliser opens door to fraud

Foodwatch argues that the way the EU regulation allows animal meal in categories 2 and 3 to be used as fertiliser "widely opens the door to fraud." It says the Bavarian state ministry for the environment admitted this earlier this year when it answered a Parliament question from a Green party member by saying: "The use of meat and bone meal as fertiliser creates a problematic gap in combating BSE. First of all, animal meal is returned to agriculture in this way. In this situation, it is very difficult to control the abuse of this material as fodder as long as there are no regulations for identifying it." The answer went on to say that a further problem is the difficulty of analysis to identify it and determine which category the animal meal belongs to. "For this reason, the government of the State of Bavaria has repeatedly called for a ban on using animal meal as fertiliser."

Germany had no third country export agreements for meat-and-bone meal for 2004 and 2005 yet official statistics show that more than 34,000 tonnes of animal meal and pellets of inedible meat were exported in 2004 and more than 31,000 tonnes the following year. Exports figures from the Statistical Office show that animal meal was exported to 23 non-EU countries in 2005, including two where importing such products is explicitly banned, Vietnam and Indonesia.

Feed companies buy MBM

According to information from the Oldenburg rural office, Beckmann Produktions Company based in Beckeln, Lower Saxony, exported 2,526 tonnes of category 3 meat- and-bone meal as pet food to Vietnam, despite an express ban. Local research reveals that the Vietnamese recipients are manufacturers of feed for productive livestock.

Foodwatch concluded: "Some 14 million tonnes of animal by-products are traded in the European Union

every year, either as raw material or as carcass meal. Where these wastes remain and how they are used is obviously out of control."

Countries named in the report as having received exports of carcass meal despite having no agreement include Russia, Belarus, Indonesia, Bangladesh, Egypt and Vietnam. The biggest recipients were Russia, Thailand (which has an agreement) Vietnam and Bangladesh.

Vion says all exports were approved by German authorities

A spokesman for the Vion food group denied that his company had done anything wrong and said that all the exports had been done in consultation with the German regional authorities. The company had only exported meat and bone meal for legal uses and this had been done with the knowledge of and approval of the district authorities, he told *EU Food Law*. He said the German authorities had only stopped meat and bone meal exports now to countries where there was no bi-lateral agreement and that exports to Thailand and Israel could continue. The stopping of exports was temporary while bi-lateral agreements were signed, he said. He argued that the key issue was to have proper documentation for the exports and said that Vion was co-operating fully with the authorities on this issue. He also said that Foodwatch itself could not press any charges in court against the company and that only the control authorities could do this.

EU Food Law contacted other companies named in the Foodwatch report for comment but they did not respond to our inquiries by the press deadline.

A spokesman for the European Commission said: "This is a deeply regrettable case of companies failing to apply EU law correctly. The Commission is awaiting the outcome of the German investigation before deciding whether further steps may be appropriate."

Anti-GM campaigners call for ban on pharmaceutical containing human proteins

Anti-GM campaigners have condemned the planting of GM rice containing human proteins in the US (see *EU Food Law* last week), saying it could lead to contamination of conventional rice with pharmaceutical crops in Europe.

The US Department of Agriculture has signalled it plans to allow commercial cultivation of the Ventria rice which can be used to treat children with diarrhoea, a major killer in the third world.

California-based Ventria has been given permission to plant the pharmarice in 3,000 acres in Kansas. It plans to harvest the proteins and use them in electrolyte solutions and is also looking at producing special medical foods such as drinks, desserts, yoghurts and muesli bars. The proteins would be taken out and the actual rice would be discarded.

Friends of the Earth campaigner Clare Oxborrow said that using food crops and fields as glorified drug factories is a "very worrying development."

"If these pharmaceutical crops end up on consumers' plates, the consequences for our health could be devastating."

She pointed out that the biotech industry has already failed to prevent experimental GM rice from entering the food chain.

In the US, the policy advocacy group the Union of Concerned Scientists said it was unwise to produce drugs in plants outdoors.

"There would be little control over the doses people might get exposed to and some might be allergic to the proteins."

Ventria has produced three varieties of the rice, each with a different human origin gene that makes the plants produce one of three human proteins. Two – lactoferrin and lysozyme- are bacteria-fighting compounds found in breast milk and saliva.

Ventria originally wanted to grow the rice in southern Missouri but the brewer Anheuser Busch, a major buyer of rice, boycotted the state amid concern over contamination and consumer reaction.

Now the United States Department of Agriculture is claiming the pharmarice poses "virtually no risk."

The company says products made using the rice proteins could help save as many as two million children's lives a year who die from diarrhoea and the resulting dehydration. A study in Peru paid for by Ventria showed children with severe diarrhoea recovered one and a half days faster if the salty fluids they were given contained the proteins. Ventria says it has a product that can help children get better faster and that Western children too could be given the products to get over stomach bugs more quickly.

Friends of the Earth is calling for a ban on the production of drugs in food crops grown outside.

Non-GM US rice contaminated with unknown GM rice, says USDA

A conventional rice strain known as Clearfield CL131 has become contaminated with an unknown GM rice, the Department of Agriculture in the US has announced. Its Animal and Plant Health Inspectorate (APHIS) is taking action to prevent planting and distribution of the rice.

APHIS began emergency notifications on March 4 to inform distributors that the seed, scheduled for spring planting, must be held until APHIS can verify and identify the presence of additional genetic material

Clearfield CL131 is a registered trademark of BASF Corporation and is not developed as a GM product. Horizon Ag, which is licensed by BASF to market the seed, raised the alarm last week. The USDA said both companies were fully co-operating.

"Testing by a private company has revealed the possible presence of trace levels of genetic material not yet approved for commercialisation," Ron Dehaven, at the USDA said.

The latest alert follows news last month that Clearfield CL131 had also been contaminated by GM LL62, produced by Bayer, which is legal in the US. There has also been contamination with LL601rice.

Independent testing by the Arkansas Rice Board in January found the non-GM Clearfield CL131 contained LLRice62, part of an "ongoing investigation into the release of regulated LLRice601 in commercial long grain rice."

APHIS said it did not normally disclose findings of an ongoing inquiry until the investigation was complete but was making the information available now to assist farmers in their decisions for the 2007 planting season and to "inform trading partners as part of the agency's commitment to transparency."

Kyprianou prioritises enforcement

Enforcement of existing food safety legislation in Member States will be a key priority for 2008, Health Commissioner Markos Kyprianou told the European

Parliament last week. He also spelled out plans to change the legal framework for risk assessments on GMOs by the European Food Safety Authority and to have better crisis preparedness in the event of an emergency.

On enforcement, he said the EU had sophisticated food legislation and that it is “extremely important that enforcement is upgraded” both with regard to imports from third countries and within the enlarged EU.

“We need more effective enforcement and prioritisation in certain areas of concern,” he said.

He set out a strengthened programme of enforcement with increased frequency of inspections. “We need to make sure that what is on the paper is enforced on the ground,” he said.

“The EU has the safest food but have to make sure it remains so. The emphasis must be on implementing the legislation.”

Call for stricter approach

Enforcement had to be “continuously upgraded and improved” with better monitoring and prioritisation of issues of concern, he said. There needed to be more emphasis when problems were detected with follow-up, he said, and a “stricter approach” both with third countries and in “trade in the internal market.”

The Regulation on GM food and feed would be five years old and it is time to review the legal framework on which EFSA developed a risk assessment, he said.

In the written speech, he set out a target to increase inspection frequency by ten per cent by regularly visiting major third country exporters, following up inspections and on-the-ground verifications. The speech said that recent trade problems with third countries clearly suggested that some trading partners lack confidence in the safety of products originating in the EU. It also talked of the need to establish internal criteria and guidance on prioritisation of enforcement issues in relation to risk for public health and to increase the monitoring capabilities of the Commission services.

Impact of climate change

The Commissioner also raised the issue of climate change and its impact on animal health, saying that tropical diseases were appearing in Europe and that in the past the EU had relied on cold winters to help eradicate certain pathogens. “Now that is not happening,” he said.

Kyprianou informed the Environment, Public Health and Food Safety Committee of the priorities following the adoption by the European Commission of the Annual Policy Strategy for 2008, one week earlier. This sets out clearly a priority to “ensure compliance with EU Food safety, animal health, animal welfare and plant health standards” without going into the finer detail.

MEPs also discussed enforcement of hygiene legislation (see *EU Food Law* last week) with acting deputy director general of DG SANCO Paola Testori. MEPs called on the Commission to name and shame businesses which broke the law and to take Member States to the European Court when they failed to enforce legislation.

The Commission has taken a stronger line on enforcement over the past 12 months, issuing the emergency ban on Bowland Dairy Products and threatening the UK with infringement procedures if it did not properly enforce EU dairy hygiene legislation. More recently, in December, it announced it would take Greece to court for a string of food safety problems which have not been rectified despite numerous inspections by the Food and Veterinary Office.

Some of the recent reports from the FVO have shown appalling food safety problems, such as the recent one on Hungary, which concluded that some foods may evade the necessary veterinary checks and that non EU-complying food was accepted as complying. Commission inspectors found foods that had incorrect health certificates, changed registration numbers and unofficial warehouses with no cold storage (see *EU Food Law* February 16 2007). FVO inspectors have also exposed a catalogue of problems in both Italy and Brazil (see separate stories in this issue.)

The prioritisation of enforcement comes against the background of the challenge from Russia on the safety of EU products of animal origin. Russia already bans animal products from Poland on food safety grounds. It threatened an EU-wide ban before Christmas and has now renewed that threat (see separate story this issue).

Russia threatens new EU meat and meat products ban

The Russian authorities have issued a new threat to ban meat and meat products from the EU on alleged food safety grounds. This follows the earlier threat

last year and the signing of an agreement between the Russian authorities and the European Commission in January.

Last week the Commission heard of the new threat through press reports and then received a letter on Friday afternoon requesting residue control plans of the Member States, which the latter are required in any case to provide to the European Commission.

Philip Tod, spokesman for Health Commissioner Markos Kyprianou, said the Commission was examining the letter and would provide the necessary information, in line with the co-operation and exchange provided for in the veterinary memorandum of understanding with Russia.

Russia already has a ban in place on meat and meat products from Poland, which so far it has refused to lift despite assurances from Kyprianou that there is no justification for it. There will be a technical meeting on the Polish issues in Moscow on March 12 and a meeting with senior veterinary officials the following day. Officials from Poland and the German Presidency will be part of the Commission delegation for the talks.

Options for scientific advice on nutrient profiles

One of the options for setting nutrient profiles for foods which want to make health and nutrition claims will be to combine a general profile complemented by profiles for a limited number of food categories or individual foods. An overall nutrient profile could be set from which derogations, adjustments and exemptions may be decided for a limited number of foods or individual foods. This is one of the options on which the European Commission is seeking scientific advice from the European Food Safety Authority, which has until next January to complete its scientific deliberations.

The European Commission is understood to be concerned that setting just one set of nutrient profiles for all foods across the board might be too rigid, given the wide variety of products currently eaten across Europe. However, setting an excessive number of different nutrient profiles for different categories for foods could be unmanageable, both for food companies and for the national authorities which have to enforce the legislation.

Some categories which might be looked at could include vegetable oils, spreadable fats, dairy

products, cereal products (to include both bread and cereals) and fruit products. The number of such categories might be limited to begin with but could evolve over time. Scientific advice is needed to limit categories, so, for example, the presence of vitamins and sugar added would be considered for this category. This would impact on products such as fruit salads in light or heavy syrup, fruit juices, fruits and vegetable juices, compote, compote with added sugar, compotes with added fruit juice, concentrate and jams. Some of the questions will be whether the saturated fat level for certain dairy products such as full fat milk and cheeses, vegetable oils and spreadable fats should be considered the only criterion to be taken into account in the setting of the nutrient profiles. There is also a question over whether sugar levels should be adapted for breakfast cereals if the latter contain high levels of fibre.

Other foods or categories of foods may have a micronutrient content and bioavailability of particular interest for the intake of that nutrient, such as iron in meat products, and could be considered.

Scientific advice will also be asked for on whether to take account of a wide range of nutrients or a few pertinent ones. The question of maintaining total fat could be considered as a criterion for nutrient profiles, which would include saturated fat, where intakes are too high, and mono and polyunsaturated fats, which are nutritionally preferable. Trans fats could also be considered. An alternative would be to have the sum of trans fatty acids and saturated fat as a single criterion. An energy criterion could also be considered as an alternative to fat, as its level will reflect the energy density of the food. However, calories are already compulsory under nutritional labelling when a claim is made.

The health and claims Regulation is quite open on which nutrients should be taken into account, mentioning fat, saturated fatty acids, trans fatty acids, sugars and salt/sodium and pinpointing positive nutrients such as vitamins, minerals, proteins and fibre.

Positive nutrients could be considered for overall profiles or limited to some food categories, such as the level of fibre in cereal products or the calcium level of some dairy products.

The choice of reference quantity or basis for the profiles is crucial and the NDA panel at EFSA will have to consider the energy or weight/volume of the foods. Consideration of portion might merit consideration but the lack of uniformity of portion sizes in the EU may prove a serious handicap.

One approach on calculating the profiles is to set specific thresholds for nutrients chosen while the other is to have a scoring system to calculate the profiles with the weighting decided on the nutrient and quantity present in the food.

But if profiles are set by a scoring system then a threshold will need to be set for the triggering of the derogation which allows a claim to be made if just a single nutrient exceeds the profiles, providing a disclosure statement is made next to the claim.

The mandate from the European Commission is also understood to refer to the technical report from the WHO on Diet, Nutrition and Prevention of Chronic Diseases from 2003 which looks at population nutrient intake goals and might serve as a starting point for nutrient profiles. This proposes no more than 10 per cent of energy coming from saturated fat and the same percentage for added sugars (defined as all monosaccharides and disaccharides).

EFSA also has the task of testing any nutrient profile model in terms of its feasibility. The Commission is expected to provide guidance on the sample of foods to be used in the testing after discussions with Member States and stakeholders.

The setting of nutrient profiles is described in Article 4 of the health and nutrition claims Regulation which says that account must be taken of the role and importance of the food and the contribution to the diet of the population in general, or, as appropriate, certain risk groups including children and the overall nutritional composition of the food and the presence

of nutrients that have been scientifically recognised as having an effect on health.

Setting of nutrient profiles should take account of dietary recommendations, public health considerations and generally accepted scientific evidence on the relationship between diet, nutrition and health, the Commission argues. Profiles should also permit product innovation and take into account varied dietary habits and the fact that it takes time to make dietary changes.

The setting of the nutrient profiles will also be done against the background of Better Regulation in the EU so the decision-makers will look at feasibility, simplicity, ease of use by stakeholders and the controlling authorities.

The NDA panel at EFSA is responsible for the scientific advice but it is for the Commission to propose the nutrient profiles and make the decisions through the Standing Committee for the Food Chain and Animal Health.

New proposals on fusarium toxins

The European Commission is considering changes to rules on fusarium toxins in maize and maize products. There has been an expert discussion in Brussels with Member States in February and at the Standing Committee on the Food Chain and Animal Health, section on toxicological safety.

The following levels are under discussion but NOT confirmed: *(See table on page 9)*

2. Frame for future discussion		
2.4	Deoxynivalenol	µg/kg
2.4.1	Unprocessed cereals other than durum wheat, oats and maize 1250	
2.4.2	Unprocessed durum wheat and oats 1750	
2.4.3	Unprocessed maize with the exception of unprocessed maize intended to be processed by wet milling**	1750 – 2000*
2.4.4	Cereals intended for direct human consumption, cereal flour (including maize flour, maize meal and maize grits), bran as end product marketed for direct human consumption and germ, with the exception of foodstuffs listed in 2.4.7	750
2.4.5	Pasta (dry)	750
2.4.6	Bread (including small bakery wares), pastries, biscuits, cereal snacks and breakfast cereals	500
2.4.7	Processed cereal-based foods and baby foods for infants and young children	200
2.5	Zearalenone	µg/kg
2.5.1	Unprocessed cereals other than maize	100
2.5.2	Unprocessed maize with the exception of unprocessed maize intended to be processed by wet milling**	200 – 300*
2.5.3	Cereals intended for direct human consumption, cereal flour, bran as end product marketed for direct human consumption and germ, with the exception of foodstuffs listed in 2.5.4, 2.5.7 and 2.5.8	75
2.5.4	Maize intended for direct human consumption, maize flour, maize meal, maize grits, maize germ intended for direct human consumption and refined maize oil	200 – 200*
2.5.5	Bread (including small bakery wares), pastries, biscuits, cereal snacks and breakfast cereals, excluding maize snacks and maize based breakfast cereals	50
2.5.6	Maize snacks and maize based breakfast cereals	50 – 100*
2.5.7	Processed cereal-based foods (excluding processed maizebased foods) and baby foods for infants and young children	20
2.5.8	Processed maize-based foods for infants and young children	20 – 20*
2.6	Fumonisin	Sum of B1 and B2 (µg/kg)
2.6.1	Unprocessed maize with the exception of unprocessed maize intended to be processed by wet milling**	2000 – 4000*
2.6.2	Maize flour, maize meal, maize grits, maize germ for direct human consumption and refined maize oil	1000 – 2000*
2.6.3	Maize based foods for direct human consumption, excluding foods listed in 2.6.2 and 2.6.4	400 – 800*
2.6.4	Processed maize-based foods and baby foods for infants and young children	200 – 200*
2.7	T-2 and HT-2 toxin	Sum of T-2 and HT-2 toxin
2.7.1	Unprocessed cereals and cereal products —	
<p>* Maximum levels to be applied as from 1 November 2007, in case of agreement The levels for discussion are given as a range (lower end — upper end) for discussion. In case the upper end level is established, a review in view of a reduction in three years time should be foreseen.</p> <p>** The exemption applies only for maize for which it is evident e.g. through labelling, destination that it is intended for use in a wet milling process only (starch production). An additional provision in case the exemption is granted would provide that the food business operator has to ensure through intensive monitoring that the food products generated by the wet milling process are compliant with the maximum levels on fusarium-toxins and that the by-products destined for animal feed do comply with the guidance values referred to in Commission Recommendation 2006/576/EC of 17 August 2006 on the presence of deoxynivalenol, zearalenone, ochratoxin A, T-2 and HT-2 toxin and fumonisins in products intended for animal feeding (for deoxynivalenol : 12 ppm, for zearalenone: 3 ppm and for fumonisin B1 + B2 60 ppm).</p>		

Commission considers list of high-risk imports

A list of what are regarded as high-risk imports of food and feed which are not of animal origin is being considered in Brussels. The European Commission is looking at prior notification for products on the eventual list and fees to carry out necessary controls. There would be designated points of entry through which any such products would have to come.

All costs of unloading the product for sampling, the official controls and anything resulting from the

official controls would be paid for by the food and feed business concerned.

Currently the list of what is considered high-risk non-animal imports is blank but it is likely to include products which have prompted rapid alerts and those which Member States have particular intelligence on or consider to be an emerging risk.

There would be a detailed document to complete for the imports, called the Common Entry Document.

The proposal is to establish detailed implementing rules under Regulation 882/2004 on official controls

for feed and food products of non-animal origin, known as non- POAO.

Products within the scope would be subject to increased checks.

EFSA fees would hamper innovation, supplements industry argues

Paying fees to the European Food Safety Authority could “hamper future innovation,” the European Federation of Associations of Health Product Manufacturers (EHPM) claims.

In response to the consultation paper put out by the European Commission on fees for certain types of work, such as risk assessments for new authorisations, EHPM says fees would have serious negative repercussions on innovation in nutrition and health. It argues that the financial impact on small and medium-sized businesses must be taken into account.

The Commission’s consultation suggests that when a company stands to make a profit from a particular authorisation then it might be appropriate to charge a fee for the risk assessment.

EHPM says EFSA’s funding was cut by the Council and Parliament last year and that this lack of funding should be resolved through an increase in the general Community budget rather than what it sees as “a general indiscriminate fee system set at industry’s door.”

Some 85 per cent of Europe’s food supplements industry is made up of SMEs, it argues, and the industry relies on innovation to reflect emerging science in the areas of nutrition, dietetics and health.

“These fees are simply an added financial burden to the already challenging cost of compliance some SMEs face with the various legislative changes and the newly adopted regulations on food supplements,” said Peter van Doorn, chair of EHPM.

Loren Courrage, EHPM’s director of regulatory affairs, said companies were already forced to pay for external expertise to submit files for submission to EFSA and that the Commission’s assertions that fees would prevent the submission of frivolous dossiers was therefore not valid.

“Frivolous dossiers can easily be prevented by clear guidance on what information to submit and how to present it,” she said.

EHPM said it accepted that when an application would mean company would be in a monopolistic position, there could be a fee-paying category. But it insists that as many applicants are innovative SMEs, fees should remain low.

The closing date for stakeholder views was 15 February and the European Commission is expected to publish a summary of responses.

The EFSA management board is expected to discuss the issue of fees at its meeting later this month and to take a stance on whether to oppose or support charges.

So far, most stakeholders have opposed fees. Industry sees them as a tax on new products and consumer organisations fear that charging fees would affect the perception of EFSA’s independence. Some companies have also said they would only be prepared to pay a fee if their authorisation was granted.

The Brussels-based trade association for the food and drink association, the CIAA, is arguing that if fees were to be charged, they would not be paid to EFSA. “If fees are to be introduced, these would need to be paid to the institution to which the application has been made and which finally makes the decision, not to EFSA itself,” said a spokesperson. However, these institutions can be different. An application for authorisation could be made through a competent authority in a Member State but the decision would be made by the Commission through the Standing Committee for the Food Chain and Animal Health.

The CIAA also feared that paying fees could lead to a public perception that the independence of the agency was undermined and speculation that a two-speed approval process had been created, with faster treatment of fee-paying dossiers.

The contribution of fees would also not be predictable, and therefore not a stable source of income, said a spokesperson.

She also argued that EFSA fees could not be introduced unless clear beneficiaries could be clearly identified and exclusivity rights granted.

Translation mistakes on additives

The food industry is calling for an urgent review of the Commission proposal on additives, enzymes and flavourings in all Community languages because of inconsistencies in the translation.

The CIAA, the European food and drink trade association, says the wording of the scope for the flavourings proposal is different in English compared with the French.

In the additives proposal, the German version gives a list of a to d as examples. But the English version gives this as an exhaustive list.

“Left uncorrected, such differences could potentially lead to problems during the multi-lingual negotiations in the Council and EP and crucially in national implementation and enforcement of the proposals once agreed.

“We recommend an urgent review of the texts in all the community languages to ensure consistency in advance of the detailed negotiations.”

The CIAA supports the use of comitology for authorisations of additives, flavourings and enzymes, as per the Commission proposal.

CIAA is also concerned that as the European Parliament has assigned three different rapporteurs, there could be duplication of effort and a lack of coherence. It calls for a high level of co-ordination between the rapporteurs. The Council is negotiating them as a package.

CIAA is also saying that the comitology process should include a consultation of stakeholders prior to a decision being taken in the Standing Committee for the Food Chain and Animal Health.

It wants the Commission to reduce the amount of time it will take to make a decision following receipt of the opinion from the European Food Safety Authority from nine months to six months.

It also wants to see a reduction for an energy-reduced food from 30 per cent energy value compared with the original food or similar product to 25 per cent. It argues that 30 per cent is difficult to achieve and “out-of-line with international norms.” The 30 per cent threshold would impede innovation, which would be regrettable in the light of the obesity problem.

Which? calls for improvements on EFSA additives panel

The “breadth and balance” of the panel members on additives at the European Food Safety Authority should be strengthened, the UK consumer group Which? has told MEPs.

It wants further consideration of the extent to which all AFC panel members “effectively input” and “the need to monitor the declaration of interests of panel members and ensure the independence of the assessment.” It calls on the panel not just to focus on toxicology but to take other aspects into account “such as the impact of food additives, enzymes and flavourings on public health and nutrition.” It also wants the panel to put more stress on minority groups of consumers who might have higher than average intakes.

Which? backs the idea that risk assessments would be done by EFSA in the Commission proposal but says the Authority’s resources and procedures need to be strengthened to ensure that assessments are “independent, transparent, high quality and that applications are subjected to a sufficient level of scrutiny.”

Which? also calls on MEPs to oppose approval through comitology and to retain co-decision. “In the past the European Parliament has championed the consumer benefit test by rejecting proposals from the European Commission and Council to approve additives that have no clear added value. One example was the rejection of sodium alginate (E401) which was to be used to prevent peeled unprocessed carrots softening and to make them appear fresher than may have been the case. Comitology would remove Parliament’s ability to question the addition of new additives and give less opportunity for stakeholders,” Which? claims.

The consumer group also calls for clear, transparent criteria to test whether there is a reasonable technological need for a new additive; that the use does not mislead the consumer and that there are advantages and benefits to the consumer. “Meaningful criteria need to be developed to make sure that clear and transparent decisions can be made that work in the consumer interest,” it says. Technological need should be determined by benefits provided to the consumer, it says.

In the proposal on the flavourings Regulation, Which? wants particular attention to be given to whether or not there could be any negative consequences for vulnerable groups, including children in the development of taste preferences.

The European Parliament will resume its debate on additives legislation later this month following the initial discussion (see EU Food Law last week).

Russia protests on pesticide in European fruit and veg

After first complaining about Polish meat products, and banning them, Russia is now expressing concerns on pesticide residues in plant products for food imported from the EU.

The Russian Federation has expressed concerns on a number of deliveries which it says exceeded the maximum permitted levels of pesticides in the Russian law.

The Russian authorities asked Member States to ensure that maximum residue levels (MRLs) are not exceeded when EU food businesses exported to Russia, the Standing Committee on the Food Chain and Animal Health heard last month. But EU experts at the meeting took the view that it was not their competence to certify compliance with the importing country. This was the responsibility of the exporters.

Verdict on animal welfare in the Netherlands

Ducks and hens were unable to stand up properly in crates at poultry slaughterhouses visited in the Netherlands, contrary to the requirement of European legislation, inspectors from the Food and Veterinary Office found.

They also found that some of the stunning used on ducks was not completely effective.

The inspectors found that chickens at one plant visited were slaughtered according to requirements from a supermarket.

The inspectors found that Dutch legislation is more prescriptive on some points on animal welfare at slaughter than corresponding requirements in Directive 93/119/EC. This is beneficial to animal welfare in terms of ritual slaughter and electrical stunning of certain species. However, the requirement for a vet to be on a farm for the euthanasia of an animal could delay the killing of an ill or injured animal.

Training on animal welfare for official vets has so far been insufficient, the report concludes. The report also calls for more documented procedures. The authorities have also been pro-active in promoting humane killing of fish, which is not the subject of specific EU rules.

EFSA answers on GM sugar beet “unconvincing”, say some public comments

The answer from the European Food Safety Authority GMO panel to questions raised over GM sugar beet by Austria and Greece are “unconvincing,” according to one comment in the public consultation over the opinion.

Natverket for EU kritik in Sweden describes one of EFSA’s answers as “a non-answer of slightly arrogant character, not very convincing.”

Only one of the public comments made on the application supports the EFSA opinion – an unnamed private individual says the scientific work “has been done properly.”

The *Consiglio dei Diritti Geneticic* in Italy supports points made by Austria. It also says it is wrong to keep the DNA sequence confidential; that there are statistically significant differences in some compounds between GM sugar beet and conventional sugar beet. It calls for feeding studies using whole sugar beet not just pulp.

“We also believe that Monsanto should prove that no transgenic DNA could be in sugar derived from GM sugar beet. We definitely don’t agree with the answer given by the GMO panel.”

The European Commission put the EFSA opinion on sugar beet H-7, delivered late last year, out to public comment, as required by the legislation. The opinion is on the placing on the market of products produced from glyphosate-tolerant GM sugar beet H7 for food and feed uses.

EFSA calls for aflatoxins in rice, cocoa and tea to be monitored

Rice, cocoa and tea should be surveyed for aflatoxins, the cancer-causing moulds, to check that there is no unknown contributor to dietary intake of

aflatoxins, the contaminants panel at the European Food Safety Authority said this week.

In its opinion on whether the maximum residue limit for aflatoxins could be raised for almonds, pistachios and hazelnuts, as demanded by Codex, it comments that there are only a few surveys from Member States on other commodities and recommends “more extensive analyses.”

In its assessment of total dietary exposure to aflatoxins, the panel was once again hampered by the lack of reliable data in Europe on what people actually eat. The panel recommends a more precise assessment of total dietary exposure to aflatoxin be conducted once the EFSA concise food consumption database is up and running.

The panel considered the impact of raising the Maximum Levels (MLs) of aflatoxins in almonds, hazelnuts and pistachios from 4 to 8 or 10 ug/kg. It argues that this would result in a one per cent average increase in total dietary aflatoxin exposure for the average adult population. But the impact on high level consumers would be greater, particularly for people eating high levels of almonds or hazelnuts. The lowest exposure based on the 4 ug/kg would mean that these nuts accounted for 1.9 per cent of total aflatoxin exposure. This could rise to 22.5 per cent of total aflatoxin exposure for high consumers if the 10 ug/kg was allowed.

“For the average consumer, changing the ML for total aflatoxins in almonds, hazelnuts and pistachios from 4 to 10 ug/kg bw per day would result in an increase in total dietary aflatoxin exposure of about one per cent.” But population groups with a high consumption could see an increase of 20 per cent exposure, it warns. If nuts which exceeded the 10 ug/kg bw got into the food chain, exposure would be even higher.

But the panel concludes that aflatoxin exposure from nuts “initially seemed to be low in relation to the aflatoxin exposure from other foods.”

In a statement, EFSA said the panel had concluded that raising the maximum level of aflatoxins in these three nuts would “have only minor effects on the expected total dietary exposure” from all sources and the risk of cancer. But the experts had pointed out that it was essential to keep aflatoxin exposure from food sources as low as reasonably achievable by reducing exposure from sources that are major contributors to total dietary exposure for aflatoxin.

Aflatoxins are produced by moulds which form on a range of foods including figs, nuts, dried fruits and spices. The levels can be controlled by improved harvesting procedures and better storage conditions.

The EU has a maximum level of 4 ug/kg for processed almonds, hazelnuts and pistachios but Codex wants to set maximum levels at 15ug/kg for unprocessed nuts and discussed an 8 ug/kg level for processed nuts at a 2006 meeting, although no agreement was reached.

EFSA panel dismisses APHIS study

A study on citrus canker disease by the US Agriculture Department’s Animal and Plant Health Inspection Services (APHIS) has been dismissed as not being supported by sound scientific evidence by the European Food Safety Authority (EFSA).

Citrus canker poses no threat to human or animal health but is an economically significant plant disease which is not present in Europe.

APHIS argued that five events are necessary for the bacterium Xac, which causes the disease, to be introduced into disease free area through the fruits. Its key conclusion was that citrus canker is not likely to spread by means of fruit which show no signs of the disease.

The new Plant Health Panel at EFSA concluded that the key arguments put by APHIS did not provide a sufficient scientific justification for the reconsideration of current phytosanitary measures.

Citrus Canker has spread across Florida and is difficult to eradicate. Xac is considered a quarantine organism in many countries with trade restrictions in place, says the EFSA opinion.

The APHIS study called for fruit which did not show signs of the disease but came from infected areas to be eligible for trade.

For the full risk assessment, see the EFSA web site.

Ouzky backs children’s junk food ads ban

The new chair of the European Parliament’s Committee on the Environment, Public Health and Food Safety Miroslav Ouzky has backed a ban on

advertising foods high in fat, sugar and salt to children.

Speaking at a press breakfast meeting at the end of last week, Ouzky said in answer to a question from EU Food Law about his views on the issue: "Advertising for children is a danger in all the areas. You know it's not a problem only with food because we know that it's a sensitive group of consumers."

Ouzky went on to say: "I think public control of children's advertisements is a good idea generally, not especially on food products, because we have to count that little children are not ready to decide if an advertisement is based on some realistic basis or not."

The Czech conservative, who only took over from German Karl-Heinz Florenz on 1 February, also stressed that as the committee chair "I have to be interested in all the topics." The committee's main focus is environment but also covers health and food.

Ouzky added that as his original profession was medicine he first came to the committee via his interest in public health. But discussions on the claims and fortification regulations over the past few years and now on the food additives package means food safety is on the committee agenda all the time, he said.

First meeting

Ouzky also said his first meeting as chair that week had gone "relatively smoothly". He was very happy with the outcome but said that some MEPs had asked him to be stricter with Committee members on timing: "It's what I felt during the sitting but I think it's very difficult for the first time."

He would take a tougher line if most colleagues asked him, he added, but said that the meeting had run largely on time: "We have to give a space to everybody to speak and maybe if somebody doesn't like it – well it's democracy."

FVO finds risk with Brazilian fishery products

The European Commission's Food and Veterinary Office (FVO) is warning of the health risks from Brazilian fishery products after finding "serious deficiencies" all along the production chain in a June 2006 visit.

In a report that the Commission only recently published on its website, the FVO concluded that "a potential risk for human health cannot be discounted if immediate appropriate corrective actions are not undertaken by the Brazilian authorities at all levels of the command chain of official controls and certification regarding fishery products intended for export to the EU."

The report said that while the Brazilian authorities have a documented control system in place, the checks carried out in the field "cannot ensure that Community requirements are respected all along the production chain and thus strongly undermine its reliability and effectiveness." The report noted that establishments visited varied from compliant to non-compliant within the same state, while all fishing vessels checked failed to meet EU requirements.

The FVO catalogued a long list of shortcomings in the fisheries products and water checked, finding residues, histamine, bisulphites in crustaceans, the heavy metals mercury, lead and cadmium, as well as non-compliance with organoleptic or freshness criteria and potable water rules.

The five-strong FVO team also identified "some important gaps" in mandatory registration and control of aquaculture farms and fishing vessels, though not factory ships.

The FVO recommended that the Brazilian authorities follow up any reports to the EU's Rapid Alert System for Food and Feed (RASFF) and ensure the establishment concerned takes corrective action. Between 2004 and 2006 there were a total 52 notifications, 38 involving a too high sulphite content in crustaceans.

The Brazilian regulator acknowledged the FVO findings and gave numerous guarantees about the measures it would take to address the deficiencies. Brazil had to draw up an action plan for these measures including a timetable for completion then report to the Commission every six months on progress.

Brazilian fishery exports to the EU from the 138 approved establishments and 30 factory vessels totalled 53,391 tonnes in 2005. About 75 per cent were crustaceans, 13 per cent frozen fish, 6 per cent fresh fish, then 2 per cent each fish fillets, cephalopods and other fishery products. The main importing member states are France, Spain, the Netherlands, Portugal, the UK, Italy and Belgium.

Italy still failing on border controls FVO finds on second visit

Warnings from European Commission veterinary inspectors about Italy's failing border control system for plant health, appear to have fallen on deaf ears as a follow up visit found almost identical shortcomings and little improvement.

The follow-up visit came this time last year, but the Food and Veterinary Office (FVO) report was only published recently, showing most recommendations from the previous inspection in July 2003 "have not yet been adequately addressed."

The most glaring shortcomings included Italy's failure to implement the 2004 import control directive (2004/103/EC) which it should have done by 1 December 2004 and that all controls are at the point of entry.

The report also pointed to the lack of official collaboration between the Central Phytosanitary Service (SFC) and customs, making it difficult to control unregulated products such as wood packing material. FVO recommended stepped up controls on wood packing.

FVO said that Italy has no national database or harmonised data recording system to help exchange of data between the SFC and regional phytosanitary offices.

Another finding was that the SFC notified some interceptions to the Commission "with a substantial delay" instead of the maximum two working days laid down in EU legislation (directive 94/3/EC).

Many shortcomings found were due to a lack of resources at the SFC, the inspectors found, citing as examples the service's failure to notify the Commission about interceptions or keep import inspection posts updated with the information needed to do their work. The FVO recommends that Italy steps up resources.

The FVO is also recommending that Italy issues publicity material on concessions for travellers as well as introducing controls on passengers to monitor compliance. The report notes the lack of information for passengers on personal and non-commercial concessions.

The report notes that the Commission started infringement proceedings against Italy in 2005 over its failings on import controls on plant health.

Retailers EU-wide adopt GDA system to help fight obesity

The European retailers' organisation EuroCommerce this week launched EU-wide nutrition labelling using the guideline daily amounts (GDA) system, recommending its members use the labels on own brand products sold in their six million outlets.

The recommendation comes in a "Nutrition Manifesto" that EuroCommerce put forward on 6 March as part of its commitment to the European Platform on Diet, Physical Activity and Health.

EuroCommerce Secretary General Xavier Durieu told *EU Food Law* that Europe's retailers had gone with the GDA labels rather than alternative forms of nutrition labelling such as traffic lights because it was the most widely used system that was most commonly understood. "Why do you want to reinvent the wheel when it's easy to understand, fits our needs and is used already?" Durieu asked.

Peter Wight of British multiple retailer Marks & Spencer said while the UK had the traffic light system (which Marks & Spencer uses in a hybrid system with GDA) this could be "hard work" since "what is a red, what is a green, or amber?" Although the system worked well in the UK this was down to the Food Standards Agency's influence and efforts on nutrition labelling. The situation was different in other countries where regulators were not as active in this area, he said.

The recommendation is to progressively implement GDAs and ultimately have front of pack GDA information giving at least the energy value in calories. This is similar to the recommendation from the food and drink trade association CIAA last year.

Albrecht von Truchsess, spokesman for Germany's Metro Group, said the very important thing in the manifesto was to keep it simple. "Nobody, no customer really checks all the ingredients on every product, but everybody is fine with checking the GDA," he told a press breakfast on the manifesto.

However, despite the EU-wide recommendation that retailers use GDA, EuroCommerce has stopped short of laying down a standard system. Noelle Vonthron, EuroCommerce food policy advisor, explained the

recommendation was for members to increase nutrition labelling on their own brand products based on common principles – the GDA – as well as “an ultimate step” to have some kind of front-of-pack label at least for energy.

Vonthron said that based on these principles members were launching their own nutrition information schemes. “We think that we should all work around these common principles but then leave the flexibility to retailers to come up with different forms, because each retailer knows his customers best.”

The event was backed by 13 food retailers – Auchan, Carrefour Group, Casino, Delhaize Group, Edeka, ICA Marks & Spencer, METRO Group, Les Mousquetaires, Plus Tengelmann, Rewe, Royal Ahold, Tesco.

Tesco is pushing GDA front of label packs in the UK in a rival scheme to the traffic light recommendations from the Food Standards Agency. However other British retailers such as Sainsbury’s and Waitrose have signed up to traffic lights and were not at the Eurocommerce press conference.

Consumers don’t read labels, says Madelin

Speaking at the manifesto launch event later that day, DG SANCO director general Robert Madelin noted that the European Commission was under pressure to propose making nutrition labelling mandatory in the EU as a way to combat obesity. Currently, he noted it is only required when a claim is made.

However, Madelin said “such views need to be considered alongside research which indicates that whilst most consumers are keen to have nutrition labels, the majority of consumers do not actually make use of the information they contain.”

Madelin said DG SANCO was currently examining replies to a consultation on the issue that closed in June 2006 before drawing up legislative proposals, which he said were scheduled for the end of the year.

Physical activity also important say retailers

One of EuroCommerce’s key messages this week in launching its manifesto *The Healthy Lifestyle Challenge – Retailers Response* was that controlling diet alone will not work to tackle obesity without increased activity.

EuroCommerce chair Senator Feargal Quinn of Ireland’s Superquinn chain told a 6 March press breakfast that even in the 1940s it was understood that a “healthy lifestyle wasn’t just dependent on food, it was dependent on how you kept your life and how physically fit you kept as well.”

“What’s happened in the last two years though, is a change in what has just been reaction against obesity to recognising a very proactive healthier lifestyle. What the Platform is attempting to achieve is the concentration on not just diet, but also on physical activity and therefore on health as well.”

The manifesto’s launch came at a Brussels event which showcased different examples of retailers’ actions to combat obesity, which Quinn said “identifies very clearly, we hope, to those that are listening both at European level, and to the citizens at a whole the huge force there is and the huge power there is in the retail business environment.”

Quinn said that the retail sector’s one billion transactions a day was “an unused, probably unrecognised force for change and the opportunity to be able to use retail to make change in Europe, not just to create jobs, not just to improve the economy but also to be able to be proactive in areas such as physical health and that is the opportunity that we believe we can do something about.”

Power of competition

Quinn went on to stress that competition between retailers would help drive obesity-fighting efforts across the sector. “We think the power of competition is a very useful, very beneficial way of encouraging each company to try and attract business to itself, because nowadays there is a far greater awareness of the need for healthy living.”

The retailers also pushed home the point that while they are ready to do their bit, governments also have to do theirs in educating people about healthy eating and lifestyles. “If we can encourage the state, or the European authorities or individual nation states to educate their citizens to the need for a healthier lifestyle, then they will be able to understand what is happening at the level of business,” said Quinn.

He added: “Business is very proactive in encouraging customers to do what they the customers believe is the right thing to do. And if one company does it, and takes advantage over another company, it will be followed very quickly.”

Later Quinn argued that “we believe that the proactive activities of the retailers will only succeed

if the public are educated and we believe that the education should come and ideally should come from the state or the individual nation states.”

“If the proactive activities of so many retailers for changing lifestyles is going to work we do need the help of the state to educate. If it came to the question of is there another way to do it, I personally believe and I think in EuroCommerce we would argue that this is the ideal solution for being able to achieve change.”

EuroCommerce Secretary General Xavier Durieu pointed to a French example of governments and retailers working together. He said last week the health ministry, several retailers and 60 local authorities joined forces to show that “the magic of competition and educated consumers was working.” The 60 local authorities have decided to take steps to educate consumers to appreciate the different initiatives that retailers have set up “in competition but complementary to each other.”

Albrecht von Truchsess, spokesman for Germany’s Metro Group, said “first of all we really have to inform people, that’s the most important step to a healthier lifestyle. It’s just knowledge. So the first step is not the recipe, or what’s in the product, it’s knowledge.”

Low income groups not covered in retailers’ manifesto

The manifesto falls short on specific commitments to address access to healthier foods for lower income groups, an issue that consumer groups in particular have been pushing. A report by the UK consumers association, now called Which?, last year found much higher salt and fat levels in supermarket budget lines than in standard equivalents and that stores ran few promotions on fresh fruit and vegetables, for example.

EU Food Law asked what the retailers were doing to reformulate budget lines and to offer healthier foods to low income groups. EuroCommerce chair Senator Feargal Quinn called on Peter Wight from Marks & Spencer to answer the question even though the chain is known not to offer budget food lines. Wight said in the UK the Food Standards Agency was “leading the drive for reformulation” with targets for 2010 but he said “labelling was part of the solution.”

Quinn said his own company decided 20 years ago to develop its own sausages but they had a choice to make between the healthiest or the tastiest sausage

“and we decided ... let’s go for taste.” But he said in the last five years the company had found increasing awareness about healthy living and Superquinn had to adjust “so we automatically were responding to our customers’ needs by finding that customers were sometimes looking for a healthy sausage and sometimes a tastier sausage. Our challenge was to get the two together.”

Quinn said the same thing applied to British retailers that had to get the salt content down in bread – which was responsible for much salt intake.

Albrecht von Truchsess spokesman for Germany’s Metro Group said that many retailers were already offering healthy products at budget prices.

Von Truchsess said Metro’s range of fat reduced and healthier products in the basic price range might be bigger than the whole range of a discounter. He said that Metro had something like 2,500 fat-reduced products while Aldi only had 800 to 1,000 products in total. While acknowledging that it might only be the beginning, von Truchsess said, “but it is definitely the trend and these are products that everybody can afford.”

However, von Truchsess stressed “we don’t think that only fat reduced or salt reduced products are the healthy ones, it’s a question of a mixture. If you only eat fat reduced chips the whole day it won’t help you very much.”

Later he said that low fat milk was cheaper than full fat versions in Germany.

Quinn noted that low price stores were also moving towards offering healthier lines and were doing very well. “So it isn’t just a question of taking the large supermarkets, it’s many of the chains that would not be in business unless they had low prices as well.”

EU claims private standards create trade

Food standards set by individual companies in the private sector such as supermarket chains can help boost trade for developing countries the EU argued last week.

Speaking during a World Trade Organisation (WTO) Sanitary and Phytosanitary committee, EU food safety and animal health experts argued that private standards created trade because exporters which meet the standards can sell their products more easily.

The EU cited the sale of asparagus from Peru on European markets as an example of how standards have helped boost trade from the South American country.

However, other nations – including St Vincent and the Grenadines, Bahamas, Egypt, Cuba and Brazil – argued that the large number of different food standards which exist independently of one another poses a challenge for small economies.

They argued private standards are often at odds with those set by governments or international organisations and meeting those standards raises costs for small producers.

St Vincent and the Grenadines argued that private standards for bananas were far more rigid than international standards and this was “causing small farmers to suffer.”

The WTO committee discussed standards as part of the Sanitary and Phytosanitary Agreement and in the context of technical barriers to trade. The next meeting is scheduled for the end of June.

What EU experts said at this meeting is somewhat at odds with comments raised at the recent Commission conference on quality standards for food where it was suggested that the way supermarkets set their own rules could result in extra requirements without any increase in food safety (see EU Food Law February 9 2007).

EU grants Spanish olive oil PDO status

The European Commission has added three new agricultural products to its list of food products granted recognition for being made in a specific region, or using traditional methods.

Olive oil from Monterrubio in western Spain has been added to list of goods allowed to be sold with Protected Designation of Origin (PDO) labels.

A sweet honey and almond pastry from Medina in Spain known as ‘Alfajor’ and a gingerbread from the Czech Republic known as “Štramberské uši” have also been added to the list of goods allowed to be sold with a Protected Geographical Indication (PGI). Products designated as PDOs must be produced, processed and prepared in a specified geographical area using local production methods, but the rules

governing products deemed as PGIs are subject to much milder definitions and the geographical link must only occur in either the production, processing or preparation of the food.

These products join a list of around 750 ‘quality’ European food products – most of which are cheeses and meats.

EP chairman will ‘champion farmers’

Conservative MEP Neil Parish has said he is committed to putting the interests of farmers first in a bid to create a level playing field across Europe.

Setting out his priorities as new Chairman of the European Parliament’s Agriculture Committee, Parish said it would be important to draw on his own experience as a farmer.

“I feel it can be too easy when talking of farming issues to see them in an abstract way, and I hope my knowledge of how things work on the ground will continue to bring an element of common sense to the Parliament’s deliberations,” Parish said.

Outlining the upcoming reform of the wine and fruit and vegetable regimes as priorities, Parish said EU agriculture was “at a crossroads.”

“With high-quality produce, and stringent animal welfare standards, we can have the most successful agricultural industry in the world,” he said, claiming that a few key reforms were necessary which would enable farmers to explore new opportunities – such as biofuels – as well as a move to reduce farmers’ dependence on subsidies.

“In the next thirty months, my main goal will be to move EU spending priorities away from production-based subsidies while ensuring we maintain a level playing field across Europe,” Parish said, adding that he saw eye to eye with EU Farm Commissioner Mariann Fischer Boel on most subjects.

“She and I have a good working relationship and I like her straight-talking approach,” he said.

In terms of EU enlargement, Parish admitted that the inclusion of countries which still have massive agriculture industries has made the EU fundamentally reassess how it organises farming: “That can only be a good thing,” he said.

Neil Parish MEP was elected Chairman of the European Parliament Committee on Agriculture and Rural Development on February 1 2007 and will chair the committee until the European elections of June 2009.

Correction

In last week's printed issue of EU Food Law (not the on-line version) the reference to the hearing of Catherine Geslain-Laneelle at the European Parliament should have been 2006 and not 2005. Apologies for the confusion

COUNTRY REPORTS

FRANCE

French health message law comes into force

A new French law requiring advertisements for processed foods and drinks to carry health messages came into force on 1 March, just three days after it was published.

Part of the French national healthy nutrition programme that health minister Xavier Bertrand launched last September, the law will apply to processed foods as well as drinks containing added sugar, salt or artificial sweeteners. Drinks such as tea, coffee, milk and fruit juices are excluded as are unprocessed foods including fruit and vegetables, eggs, meat and fish. Frozen foods are also excluded providing there is no added water.

Advertisers can choose between four statements, which must be clearly audible or visible:

- For your health, eat at least five fruit and vegetables a day
- For your health, do regular physical activity
- For your health, avoid eating too much fat, too much sugar and too much salt
- For your health, avoid snacking in between meals.

Other messages can be used for adverts in children's programmes or press: "to grow up properly, eat at least five portions of fruit and vegetables a day", "to keep in shape, use your energy well", "to grow up properly, avoid eating too much fat, too much sugar and too much salt" or "to keep in shape, avoid snacking during the day."

Adverts for follow on formula for babies would have to state "apart from milk, water is the only essential drink" or "moving and playing are essential to your child's development." Baby food adverts could also use the latter message or "teach your child not to snack between meals."

Advertisers are expected to chop and change between the different messages so that each one is used an equal amount, although the law allows up to 10 per cent variation.

All adverts are covered whether in newspapers or other printed media, on television or radio, text messages and on the internet. Written adverts would have to carry a band showing the message; television advertisers could also choose a band or use a full screen message straight after the advertisement. Radio adverts have to be followed by a verbal message. The band must be equivalent to 7 per cent of the screen or page size.

Online adverts would have to carry a warning: "On these services health information appears at the same time as the advertisement and must be accessible when looking at the advertisement."

Non compliance tax

Advertisers not wishing to use the messages can instead opt to pay a tax equal to 1.5 per cent of the costs of the advertising campaign. Money raised this way will go to the national health prevention and education institute (INPES) to help fund its nutritional education work.

However, the French food and drink association ANIA already told members before the law came out to display health messages rather than pay the tax (see *EU Food Law*, January 12, 2007). Despite this an advertising industry source told use a few advertisers intended to pay the tax rather than have the messages "interfere" with their advertisements.

There is a grace period for existing adverts, meaning advertisers will not have to pay the tax on campaigns already started or in production before 1 March. The average life of an advertising campaign is six months.

One source explained that it was relatively easy to insert a full screen statement after a television commercial or a verbal message after a radio advert, but printed material was more difficult. Adverts would have to be designed with the message band in mind, she said.

The government has yet to publish exact provisions on the tax nor the declaration form, but has promised to do so by July. From 1 July advertisers would then pay the tax, which would apply retroactively to any new campaigns launched from 1 March.

Bertrand plans to review the law after six months and regularly change the messages so that they remain effective in educating consumers, the minister said in a statement.

An ANIA spokeswoman said it was too early to say how food companies were finding the law in practice and pointed to the six month review as the time when industry would also weigh up its experience with the new rules.

The advertising industry source said some adverts had already appeared with the new statements even before 1 March as everybody knew that the rules were coming out and from drafts of the law, most of the messages.

Consumer group says new law weak

French consumer's union UFC Que Choisir attacked the new law saying it does not go far enough towards tackling obesity. The group wants to see UK- or Swedish-style advertising restrictions instead of the health messages.

A statement attacked the new law, accusing the "powerful agri-foods industry" of succeeding in watering down the rules. "Already not very demanding, the text has again been seriously watered down by the agri-food industry's undermining," UFC complained.

UFC also noted that the new rules were over two years late in coming, since they were first outlined in an August 2004 public health law.

The association said that the government was hoping the measure would reverse the rising obesity epidemic, which now affects 12 per cent of the French population, especially children. "The response is at the very least minimalist and not really appropriate for the extent of the scourge."

UFC went on to complain that the government's own advisors from both the food safety agency (Afssa) and the national health and medical research institute (INSERM) had called for much stricter rules, "indeed purely and simply a ban on advertisements lauding foods high in fat and sugar that interrupt young people's programmes on television."

But, the French government "preferred to yield to industry scaremongering," said UFC.

The group acknowledged that at least the law linked advertising and obesity, but asked whether young people would get the message.

SPAIN

Spain will not allow derogations for unauthorized vitamins and minerals

The Spanish Food Safety and Nutrition Agency (AESAN in its Spanish acronym) will not allow the use of vitamins and minerals in Spain not included in the Food Supplements Directive.

Article 6(4) of Directive 2002/46 on food supplements permits Member States to allow in their territory the use of vitamins and minerals not listed in Annex I, or in forms not listed in Annex II, provided that certain conditions are met.

In a document to which *EU Food Law* has had access, AESAN justifies its rejection by the fact that there was no rule in Spain permitting the use of these nutrients before the Directive entered into force. However, Article 6(4) does not require such a previous law as a prerequisite to allow derogations.

It is feared that this decision will further create obstacles to the free movement of food supplements within the EU, which is already impaired due to the fact that Member States have established different maximum levels of vitamins and minerals, the differences in some cases varying widely.

Spain under pressure on food supplements

The European Commission is currently investigating the Spanish maximum limits for vitamins and minerals, which coincide with the Recommended Daily Allowances (a formal '1 x RDA' criterion for all vitamins and minerals concerned). Also, the Commission has already acknowledged that Spain

did not notify Royal Decree 1275/2003 in accordance with the procedure set up in Directive 98/34/EC.

In December 2006, the Commission decided to bring Spain before the European Court of Justice for the “obstacles in Spain to the marketing of products containing herbal ingredients legally marketed and/or manufactured as food or dietary supplements in other Member States”.

There is a wide range of vitamin preparations and minerals substances used in the manufacture of food supplements that are currently marketed in Member States and which have not undergone a scientific safety evaluation. In order to allow the necessary time for this safety evaluation, Member States may provide derogations until 31 December 2009, for vitamins and minerals and their forms not included in the Directive.

Some 425 dossiers have been submitted so far to EFSA for safety evaluation. They include substances such as boron, vanadium, tin, cobalt, silicon, nickel, or bio-transformed vitamins.

The dossiers on boric acid and sodium borate were received but not further processed as on March, 2005 EFSA made available the statement which concludes that these substances are suitable for use in food supplements.

The list of dossiers submitted can be found in the following Internet address:
http://ec.europa.eu/food/food/labellingnutrition/supplements/food_supplements.pdf

UK

FSA finds second unauthorised dairy premise

The Food Standards Agency has found a second unauthorised premise producing dairy products, following the alert it issued over Moubon yoghurt. While investigating the latter alert, officers from the London borough of Haringey and Redbridge discovered a similar product made at a different establishment.

They found unapproved premises at Euroversal International/Midhai Ghar producing yoghurt and dairy sweets. A voluntary closure agreement was obtained and the remaining products were surrendered.

The products include natural yoghurt and dairy-based sweets sold under the names Santalos, Rosagolia and Rasmallia under the brand name Midhal Gar or “a product of Euroversal International.

Suma recall

Suma Wholefoods recalled a batch of Suma Green vegetarian Pesto following a single customer complaint of glass contamination.

IRG to continue because of BSE testing breaches

The board of the Food Standards Agency last month agreed that the work on BSE testing by the Implementation Review Group (IRG), led by Prof Patrick Wall, will continue because of the breaches in the testing system. These include samples at ABP Newry, which did not correspond with the carcasses; the extra brain sample at West Devon meats; failure at Dunbia to take a brain sample from an animal aged more than 30 months and two other cattle which were Over Thirty Months old but not tested. There was also one cow probably born before August 1996 which went into the food chain. All these are being investigated and some dossiers are with the prosecution authorities. The paper put to the board suggested that human error was to blame rather than any major flaw in the system but one board member said human error had to be taken into account as part of the system.

Urgent warning on vodka

The Food Standards Agency issued an urgent warning over counterfeit vodka from an illegal distillery in Cardiff, sold under the 1806 Christoff brand. It was seized by HM Revenue & customs. Counterfeit vodka can contain considerably more methanol than expected for an authentic vodka so “this brand might be dangerous,” the FSA said. There was no data to confirm this but the FSA advised anyone who had a bottle not to drink it.

INTERNATIONAL

US

Law suits filed over E coli outbreak

Eleven law suits were filed against Yum Brands Inc and its Taco Bell Corp subsidiary over the E coli

outbreak in November and December 2006. In its annual report, Yum claims the stores named in at least five of the lawsuits are not company-owned and therefore believes it is not liable.

According to the Center for Disease Control, the outbreak was associated with food at Taco Bell restaurants in four states and some 71 people fell ill.

The company said the E coli outbreak had cost it \$20 million in the fourth quarter because of lost sales and franchise and licence fees as well as increased marketing costs.

EU FOOD LAW

EDITOR

Kate Trollope

SUBSCRIPTIONS

Barbara Mason

EDITORIAL DIRECTOR

Chris Horseman

PRODUCTION

Marjorie Sinclair

MARKETING

Alexandra Hentschel

MANAGING DIRECTOR

Michael Hobbs

Associates and correspondents in Germany, France, Denmark, Ireland, United Kingdom, Spain, Belgium, The Netherlands, Italy, Greece, Sweden and the USA.

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80 Calverley Road, Tunbridge Wells, Kent TN1 2UN, United Kingdom
Phone: +44 (0)20 7017 7497 Fax: +44 (0)20 7017 7599
E-mail: marketing@agra-net.com www.agra-net.com