



Food safety update

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Nutrition and health claims and fortified foods regulations in force

New legislation on nutrition and health claims and on fortified foods came into force across the EU on 1 July 2007. Under the health and nutrition claims regulation (regulation 1924/2006) that applies to any food or drink product produced for human consumption sold in the EU, only claims that are clear, accurate and capable of being substantiated will be allowed to be used in the labelling, marketing and advertising of food. The regulation also prevents nutrition and health claims on alcoholic drinks, unless they refer to a reduction in alcohol or energy content.

'Nutrition claims' are those used on labels or in advertising/marketing campaigns that make an assertion about a particular nutritional property of a food. Examples include 'high in vitamin C', 'low fat', 'no added sugar' and 'high fibre'. Detailed conditions are laid down for the use of nutrition claims and, following a transition period of four years, a nutrition claim will only be allowed to be used if it fits a certain nutritional profile (ie below a certain salt, fat and/or sugar level).

'Health claims' are claims suggesting that a relationship exists between a food and health (eg that eating a certain food can reduce the risk of a particular disease). The European Commission (Commission) will draw up a positive list of well-established health claims, such as 'calcium is good for your bones', that may be used on a label providing they are proven to apply to the food in question.

The regulation also applies to any trademark that can be construed as a health or nutrition claim. Within 15 years, existing brand names suggesting health benefits, such as promises of weight loss, that do not meet the requirements of the regulation must be phased out and removed from the market. No new trademarks or brand names that imply health or nutritional benefits will be allowed unless the claims implied can be substantiated in line with the provisions of the regulation. Certain generic descriptors (eg digestives, aperitifs) may apply for derogation from this rule.

The Commission has also recently adopted a proposal to introduce a transition period for the use of claims referring to children's health and development. This was unintentionally omitted from the regulation during its adoption. The transitional period would allow industry time to adapt to the new rules, either by phasing out products that do not meet the new criteria or by applying for claim authorisation.

Meanwhile, the regulation on fortified foods (regulation 1925/2006) sets out harmonised EU rules on the addition of vitamins, minerals and other substances to foods. For example, all fortified foods will have to carry a nutritional label, and alcoholic drinks above 0.2 per cent alcohol content will not be allowed to be fortified. Only substances proven to be safe and bio-available (ie available to be used by the body) may be used as sources of vitamins and minerals.

EU

Annual RASFF report published

The Commission recently presented the findings of its annual report on the EU Rapid Alert System for Food and Feed (RASFF) for 2006. The report shows that notifications on risks to food safety fell by 5 per cent in 2006 compared to 2005; marking the first time since the establishment of the RASFF system that there has been a decrease in the number of notifications. The reduction can be explained largely by measures taken to address illegal dyes and the application of new EU criteria for certain pathogenic microbes, which replaces the diverse national criteria that were previously in place.

In total, 6,840 notifications of food and feed risks were received through the RASFF last year, compared to 7,170 in 2005. About 45 per cent of these notifications concerned imports. Fishery products featured most in the notifications (21 per cent), followed by meat and meat products (13 per cent) and cereals and bakery products (12 per cent).

The RASFF report also outlines future activities that are planned in this area as part of 'spreading food safety worldwide'. One example is a project to promote the idea of a worldwide rapid alert system for food safety. Initially, the Commission will help interested third countries to develop a national system to improve consumer protection, and three training seminars are being organised to this end in 2007 under the Commission's 'Better Training for Safer Food' initiative. The ultimate goal is to join all of these national systems in a global network of food safety alert systems.

Commenting on the report, Markos Kyprianou (EU commissioner for health) has said: 'The fact that nearly half of the food safety notifications to our rapid alert system concern imports blocked at the EU border demonstrates the importance and effectiveness of our border controls. Europe's Rapid Alert System for Food and Feed plays a central role in ensuring a high level of food safety for EU citizens. It allows us to stop food safety crises before they begin, and identify problems at an early stage, thereby minimising potential health threats. The EU's Rapid Alert System is becoming stronger and more effective year on year, and serves as an exemplary model to other countries looking for ways to raise their level of consumer protection.'

EU

Commission proposes EU-wide efforts to tackle 'obesity'

Following the own initiative resolution adopted by the European Parliament earlier this year (see April edition of *Food safety update*), the Commission has recently adopted a White Paper setting out a wide range of proposals on how the EU can tackle nutrition and 'obesity' related health issues.

The White Paper stresses the importance of enabling consumers to make informed choices, ensuring that healthy options are available, and calls on the food industry to work on reformulating recipes, in particular to reduce levels of salt and fats. Further, it stresses the benefit of physical activity and recognises that encouraging Europeans to exercise more is another area to develop.

The need for EU action stems from the fact that poor nutrition and insufficient exercise are among the leading causes of avoidable death in Europe. 'Obesity' in children is identified as being of particular concern: it is estimated that three million European school children are 'obese' and 'obesity' related illnesses account for 7 per cent of total healthcare costs in the EU. The White Paper calls for more orientated partnerships involving public and private organisations and clarifies that Commission policies will be marshalled towards achieving improved diets and levels of exercise across Europe.

EU

EU to monitor acrylamide reduction in processed foods

The Commission has called upon member states to check annually whether acrylamide levels are falling. The Commission is recommending that national regulators send data once a year to the European Food Safety Authority (EFSA), which will compile the information into a database to provide a clear picture of the levels of acrylamide in foodstuffs.

Acrylamide is created when starchy foods are baked, roasted, fried or toasted. The chemical first hit the headlines in 2002 when Swedish scientists found high levels of acrylamide in carbohydrate-rich food. Since then there has been a global effort to amass data and to reduce acrylamide concentrations in foodstuffs. The

purpose of creating the database is to allow EFSA to assess the effectiveness of voluntary measures to lower acrylamide.

UK

FSA incidents report published

The UK Food Standards Agency (FSA) published its first annual report of incidents in May. Set up in 2000, the FSA is the lead body for handling widespread accidental or deliberate contamination of food. An agency-wide incidents database was introduced in 2005, the first attempt to construct an accurate picture of food and environmental contamination in the UK.

The report shows that in 2006, the FSA investigated 1,342 incidents. Action taken by the FSA included 81 food alerts to local authorities (which are also published on the FSA website) and 478 notifications to the Commission via RASFF (see above). The major categories of incidents in 2006 were: environmental contamination (fires and spills/leaks), natural chemical contamination (mycotoxins, algal toxins and others) and microbiological contamination (Salmonella, Listeria, E. Coli etc). In addition, there were on average one to two food recalls and withdrawals a week due to incorrect or missing labelling or other allergy risks.

One of the main purposes of the report is to encourage UK food business operators and enforcement authorities to make reporting incidents to the FSA a priority. Future reports may therefore show an increase in investigated incidents.

UK

New alcohol health warnings to be adopted by 2008

Alcoholic drinks will carry new health warning labels by the end of 2008 under an agreement between UK health ministers and the drinks industry. The labels will feature warnings such as 'know your limits' and 'drink responsibly' and it is likely that the labels will detail alcoholic units, recommend safe drinking levels and warn that drinking alcohol should be avoided if pregnant or trying to conceive.

The measures were first proposed three years ago, but the industry and health ministers have struggled to

agree on a format for the labels. It is not known how many businesses will sign up to the scheme, but health ministers have warned that if the industry does not comply then it will introduce legislation to enforce labelling requirements.

INTERNATIONAL

China announces food safety measures

The People's Republic of China (PRC) has introduced a series of measures to improve food safety amid growing international concern over the quality of the country's food exports. The measures include a system for food recalls and a five-year plan for food and drug safety.

Chinese exports have been the reason for a number of recent food safety scares: pet food ingredients spiked with the chemical melamine were blamed in the deaths of dogs and cats in the US; three southern US states have banned imports of catfish from the PRC; the US, Spain, Canada, Singapore and Nicaragua are the latest countries to ban Chinese toothpaste imports after reports that some products sold in Australia, the Dominican Republic and Panama were found to contain diethylene glycol, a potentially deadly chemical commonly used in antifreeze and brake fluid.

The recall system will be the first of its type in the PRC and will target unsafe food products. Few details have been released, although it is understood that a final draft document explaining the system should be available shortly. A senior PRC official has announced that the recall system will focus on 'potentially dangerous and unapproved food products' and will be part of a new regulation by the General Administration of Quality Supervision, Inspection and Quarantine. The regulation is intended to be in line with international practices and all domestic and foreign food producers and distributors will be obliged to follow the system, which is intended to be implemented by the end of the year.

A five-year plan for food and drug safety with the aim of improving monitoring and law enforcement systems in the PRC has also been unveiled. The plan aims to prevent the production and sale of fake and 'shoddy' foods and pharmaceuticals through better safety testing and the imposition of penalties for those who ignore safety regulations.

The World Health Organisation welcomed the new measures but said that more still needs to be done.

NEWS

Australia tackles child 'obesity'

The Australian Commonwealth Scientific and Industrial Research Organisation (CSIRO) has been allocated A\$2m over two years to target 'obesity'. The CSIRO aims to produce a Wellbeing Plan for Children, which will provide advice for parents to promote healthy eating and physical activity in children.

'Mad cow' class action in Quebec

In a recent landmark decision, a Justice of the Quebec Superior Court granted authorisation to a billion dollar class action suit, ruling that a 'mad cow' class action on behalf of 20,000 Quebec cattle farmers against the Canadian federal government could proceed to trial. The class action is part of a wider scheme to gain compensation for all commercial cattle farmers in Canada who were affected by the freezing of cattle and beef exports in 2003. They allege that federal government negligence caused the BSE crisis in Canada and the corresponding loss of income to Canadian cattle producers.

US food industry to be shielded from lawsuits

Both houses of the US Congress have recently introduced identical bills aimed at protecting the food and beverage industries from lawsuits alleging that their products cause 'obesity' and other health problems. The bills, both called the Commonsense Consumption Act of 2007, suggest that weight gain and other adverse health problems are based on multiple factors that cannot be attributed to a specific food or drink.

If adopted, the legislation would not provide complete immunity from civil action for the industry. Certain exceptions are made, including for cases alleging federal or state law violations pertaining to the marketing, advertisement or labelling of food.

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