



# Food safety update

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Newswatch

US

## FDA secures more funding during 2009

The US Food and Drug Administration (FDA), the US authority that is charged with enforcing food safety and which has been subject to some criticism recently for failing to protect the US food supply from a number of high-profile outbreaks of food-borne illness, will receive nearly \$335m more in its 2009 budget than it received in 2008 after the Senate recently gave final approval to a controversial spending bill to fund federal government for the remainder of the year.

Meanwhile, President Obama's outline for his 2010 budget includes provision for even greater investment – \$1bn is earmarked for food safety efforts 'to increase and improve inspections, domestic surveillance, laboratory capacity and domestic response to prevent and control food-borne illness'. A spokesman for the Alliance for a Stronger FDA said the budget increases show that the President is acknowledging the FDA's underfunding in recent years. Details of how the money will be divided up at the FDA are not yet available but the larger sums will come with greater reporting requirements to ensure that they are not squandered.

The US Department of Agriculture (USDA), by contrast, will have its funding reduced to \$26bn in 2010 – \$100m less than its 2008 budget. The budget summary document supplies few details on how the money should be spent but it does specify that food safety must remain a priority and that \$1bn annually should be provided to the child nutrition programme, which aims to eradicate childhood hunger by 2015.

## Calls to reform food safety system increase

Despite the promise of additional funding for the FDA (see above), calls for reform to the current US food safety system, which has been described as seriously out of date and fragmented, have continued to escalate following a salmonella outbreak linked to peanut products last year. Several bills that aim to overhaul it are before Congress. Among them is a bill introduced by Representative Rosa DeLauro, resurrected from September 2008, which calls for:

- a separate food safety agency to be carved out of the FDA;
- the frequency of food manufacture plant inspections to be based on each plant's risk profile; and
- certification that all food imports have been produced to US safety standards.

Senator Richard Durbin and Representative John Dingell have also introduced food safety bills since January, following a growing number of recent food recalls. Agriculture Secretary Tom Vilsack has called for better communication and collaboration between the US Department of Agriculture (USDA) and the FDA and for the White House's new food safety working group – set up to examine ways to reform the current system – to discuss strengthening current recall arrangements to minimise future disease outbreaks. The FDA currently has no power to declare a recall: all it can do is encourage manufacturers to instigate a recall voluntarily.

Consumer groups and the food industry itself support reforms in food safety. Senator Durbin's bill in particular has the backing of industry groups, due to its funding

scheme and third party accreditation system, whereas Representative DeLauro's bill, with its stringent recall and inspection requirements, tougher penalties and lack of detail on funding, has received more criticism.

## **Vilsack adds voluntary guidelines to COOL rules**

New US COOL (Country of Origin Labelling) rules recently took effect, with some additional 'guidelines' with which the food industry has been asked to comply 'voluntarily'.

Agriculture Secretary Tom Vilsack published a letter on 20 February 2009 detailing the additional 'guidelines' and warning that non-compliance by the food industry could lead to the COOL rules themselves being made more stringent.

Several food industry associations have opposed mandatory COOL rules from the outset and there are even more groups that oppose the voluntary 'guidelines', arguing that COOL labelling is an issue for individual companies to decide on the basis of consumer demand. Canadian farmers' groups are particularly angry about the 'guidelines' and the Canadian agriculture secretary has asked for data on how they will affect the livestock industry. Farmers' groups argue that the COOL rules and 'guidelines' will disrupt the cattle and beef trade between Canada and the US, and are calling for a World Trade Organization challenge to the policy to be resumed.

## **PRC to create new central food safety body**

A new food safety law has recently been approved by the People's Republic of China's (PRC) National People's Congress Standing Committee. The law creates a 'high-level co-ordination and guidance body' and seeks to overcome concerns that the current food safety system is disjointed and consists of too many agencies. The law, which will take effect on 1 June 2009, will reduce the number of government departments responsible for food safety, giving primary responsibility to the Ministry of Health. It will also establish safety and quality standards for products.

Meanwhile, the EU's Food and Veterinary Office (FVO) is to carry out at least nine audits in the PRC in 2009. The inspectors will examine a range of matters, including poultry animal health and poultry products, animal

casings, red meat and meat products, fishery products, pet food, veterinary medicine residues, food contact materials, irradiation, GM food and feed and export controls, rabbit meat, and plant health export controls.

## **EU Draft proposal on nutrient profiles criticised**

It is understood that the Directorate General for Health and Consumers' (known as DG SANCO) draft proposal on nutrient profiles, mandated by the 2006 EU Nutrition and Health Claims Regulation, has been the subject of heavy censure. The proposal was put to interservice consultation in mid-February 2009, where it was criticised by other directorates and stakeholder groups, including the enterprise directorate and the European Dairy Association, for having excessively low thresholds that would have a negative effect on the marketing of traditional foods.

Under the draft proposal, if any product has a salt, saturated fat or sugar content above the nutrient profile threshold, manufacturers would be prohibited from making any claims about its health benefits. This has made the profiles particularly unpopular among certain interest groups, such as German bakers, whose traditional breads have high salt levels.

However, a spokesperson for the health commissioner has recently emphasised that nutrient profiles would focus on processed foods and would not apply to 'traditional breads' and fresh produce. Some experts have suggested that watering down profiles in this way could be challenged legally for not reflecting the initial intention of the Nutrition and Health Claims Regulation.

DG SANCO had been keen to be able to send the final text to the European Parliament by 8 April 2009 so that the nutrient profiles could be implemented by the end of this year. This deadline seems more unlikely to be met now, because the Public Health and Food Safety Committee is unable to reach a compromise over the many new amendments and a vote on the proposal may be postponed until after June's EU parliamentary elections.

## **Nanomaterials to be defined in EU legislation**

Two new EU laws, one of which is the novel foods regulation, are to include a definition of 'nanomaterials'. The definition will include materials whose particles exceed the strict 'nano' size threshold of 100 nanometres

but that still have the nano-like characteristics caused by the size of the particles.

The European Food Safety Authority's (EFSA) scientific committee, meanwhile, published its final opinion on nanotechnology on 5 March 2009, in which it concluded that established risk-assessment methodologies can be applied to engineered nanomaterials (ENMs) as a starting point for risk assessment, but that a case-by-case approach is necessary and, given the lack of data and validated testing methods available, risk assessment of ENMs could be very difficult and uncertain. The size of ENMs means that their physicochemical properties are very different from those of their micro and macroscale counterparts and so neither conventional risk-assessment methods nor extrapolation from data on their counterparts' profiles are likely to be able to reveal their risks.

There is no way of detecting or measuring ENM content, but EFSA has been informed by the Confederation of the Food and Drinks Industries of the EU (CIAA) that products containing ENMs are already available in Europe via the internet, and studies have found food supplements boasting of ENM content in high street shops. Consumer groups have called for urgent research on the risks of nanotechnology to humans and the environment. Some have called for a moratorium on marketing nanomaterials until further scientific evidence is available.

## **EU moves closer to approving biotech crops**

The possibility of new biotech crops being cultivated in the EU has become more likely as member states have failed to block the authorisation of two new transgenic corn varieties in a regulatory committee qualified majority system vote. The requests will now be passed to the council of ministers where, if there is still no majority opposing them, they will be approved by default.

The split vote could be indicative of decreasing hostility towards biotechnology and may lead to the first new approval of a biotech crop for EU cultivation since 1999. Nevertheless, on 2 March 2009, EU environment ministers voted against the European Commission's proposal to end Austria and Hungary's national bans on genetically modified crops. Those representing the biotech industry have called the vote 'incomprehensible' and a spokesperson for the Commission has said that there is no scientific evidence to suggest that biotech products are dangerous.

## **'Traffic light' labelling is misleading**

New research by the European Food Information Council (EUFIC) suggests that the 'traffic light' colour-coded nutritional labelling scheme is frequently misinterpreted, with consumers often taking red labels to mean 'avoid eating the product'.

The study also found that only about 18 per cent of EU consumers check the nutritional information of processed foods and that the majority recognised and understood guideline daily amounts (GDAs) and the nutritional information table. The German Food Industry Association, which opposes the traffic light labelling scheme, claims that this research supports the argument that further compulsory food labelling schemes should not be introduced.

Meanwhile, another survey of 536 consumers in Ireland has found that 45 per cent of consumers never read nutritional information labels on the food they buy and that some confuse the nutritional label with the ingredients list or best before date. Most people (88 per cent of those surveyed) claimed to find the GDAs useful and 75 per cent to find them easy to understand, yet only 32 per cent knew that salt and sodium were different and only 10 per cent understood the difference between energy and calories. The Irish Nutrition and Health Foundation, which conducted the survey, concluded that consumers need to be educated about nutrition and that labels should be larger so that information is quicker and easier to read.

UK

## **Change4Life advert criticised**

Members of the UK food industry have attacked an advert funded by the UK Department of Health that shows a little girl eating a cake with the strapline, 'Is a premature death so tempting?' The advert is part of the Change4Life campaign, to which a number of key industry players have signed up. A spokesperson for the Food and Drink Federation called the advert's approach 'disappointing' and said campaigns 'are more likely to be effective if they promote simple, positive messages' rather than 'shock tactics'. The health charities behind Change4Life have argued that their research showed that the target audience did not find the advert shocking and that urgent steps to combat 'obesity' are crucial.

The UK Food Standards Agency (FSA) is also heading an advertising campaign, which aims to reduce consumption of saturated fats. However, some trade data suggests that consumers are ignoring the advice and, as the recession takes effect, are increasingly turning to 'cheap, high-calorie' takeaway meals.

## FSA restructures its Food Safety Group

The FSA recently merged its Food Safety Group with its Consumer Protection and Enforcement Group, bringing together hygiene, microbiology, contaminants and other work that was previously divided between two groups.

The new Food Safety Group has been separated into two divisions, one to deal with microbiological threats to food safety and the other to deal with non-microbiological threats. It will also have a 'cross-cutting' division to implement and deliver controls to combat these two threats, which will work closely with the Veterinary and Technical Division in the Meat Hygiene Service.

## Calorie contents displayed on menus

Some 17 catering chains started showing the number of calories in the food and drink items on their menus earlier this month. The initiative followed an FSA consultation with consumers and caterers and the recent publication of a consumer response report.

The FSA and UK Department of Health believe that displaying the calorie contents of meals on menus will enable consumers to 'make healthier choices and combat the spread of "obesity"'. The caterers already taking part include fast food chains, coffee and sandwich shops, pub chains and workplace caterers, and it is hoped that more will follow suit.

For further information please contact

Dietmar Knopp  
Partner  
T +49 69 27 30 87 01  
E dietmar.knopp@freshfields.com

Tom Snelling  
Senior associate  
T +44 20 7785 2492  
E tom.snelling@freshfields.com

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- The US has continued to criticise the 'endorsement' by Codex, the World Health Organization's food standards commission, of analytical methods for detecting biotech foods at a recent meeting of the Codex committee on methods of analysis and sampling. A document was published last year on criteria for guidelines for biotech detection methods, which contained considerable information on 'method endorsement', despite objections from the US, Canada, Australia and New Zealand at the time. US delegates are now questioning what 'endorsement' actually means and argue that it is inappropriate for a guidelines document to focus on endorsing detection methods for biotech foods when there is no actual Codex standard to meet.
- The US FDA is to update guidance documents for food and colour additives and nutritional supplements to take into account developments in nanotechnology but does not think new regulations are required yet. Two food packaging guideline documents are being updated and a new guide dealing with manufacturing food and colour additives and dietary supplements is being written. Guidance for the early-stage manufacturing of nanotech food packaging materials, outlining the potential applications of such materials and the need for a comprehensible regulatory system for these products, is also being produced.
- Health Canada recently published a report in the Canada Gazette concluding that acrylamide 'may constitute a danger... to human life or health' and that it should be added to the toxic substance list, despite inconclusive evidence drawn from animal experiments. Health Canada's recommendation follows extensive research into the chemical and its classification by other health agencies on the basis of its carcinogenic, genotoxic and reproductive toxic qualities.
- A European food, sustainable consumption and production round table will convene at the end of April with the main aim of 'facilitat[ing] agreement on uniform and reliable environmental assessment methodologies for food products' and, in particular, on a methodology for assessing 'food miles'. It has been suggested that the current diversity of methodologies is confusing and misleading to consumers and that an industry standard would improve consumer trust and stimulate real improvement in environmental impact.
- Manufacturers that use lycopene as a novel food ingredient will have to establish a monitoring programme so that the EFSA can review lycopene usage and intake by consumers by 2014. The Standing Committee for the Food Chain and Animal Health has authorised specified forms of lycopene for use in certain food products up to a maximum level for each type of product. However the committee recently voted through the decision because the EFSA is concerned that consumers could overdose on lycopene if it is used to fortify too many types of foods in too large quantities.
- The High Court of England and Wales has upheld a decision by the UK FSA that stocks of low-alcohol wine be held at a warehouse rather than sold. The decision, which took the form of a movement control notice made in September 2007, was made because the wine had been produced using an unauthorised method and failed to comply with FSA labelling rules.