



Food safety update

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EU

Vote on novel foods raises nanotechnology issues

The European Parliament's environment committee recently voted that food products produced using nanotechnology should be excluded from the scope of draft legislation on the authorisation of novel foods, and barred from the EU market, until they have undergone a specific risk assessment proving them to be safe.

The committee called for the possible health effects of food products produced using nanotechnology to be fully assessed before they are placed on the Community list of novel foods – until this occurs, such products cannot be placed on the market. The vote also saw a requirement added to the draft regulation that all ingredients present in the form of nanomaterials must be clearly labelled by listing the names of the ingredients followed by the word 'nano' in brackets. Although significant, the vote does not mean that the provision will necessarily be adopted in the final form of the legislation – the committee's vote must first be endorsed by the European Parliament sitting in plenary session and then must also be supported by the Council of Ministers.

Meanwhile, the French Food Safety Agency (AFSSA) has called for the careful use of nanotechnology in food and food packaging. Although the body stopped short of suggesting that nanotechnology is unsafe, it considered that a precautionary approach should be adopted given the limited understanding of the toxicity of manufactured nanoparticles.

European Parliament votes on nutrition labelling

The European Parliament has voted to make it mandatory to display nutrition labelling on the front of food packaging. Such labelling will have to show quantities of fat, saturated fats, sugar and salt as well as calories (expressed per 100g). The vote also requires details of protein, fibre and trans fats to be included elsewhere on the packaging. Compulsory country of origin labelling will also be extended to meat, poultry, dairy products and other single-ingredient foods.

MEPs rejected calls by health and consumer organisations for a colour-coded system of food labelling giving consumers a visual warning relating to the fat, sugar and salt content of a product. Instead, the Guideline Daily Amounts (GDA) system favoured by many food manufactures was backed. The GDA scheme could be introduced across Europe by 2013, unless blocked by member states in the EU's Council of Ministers.

Commissioner urges new focus on nutrient profiling

The new director-general of the European Commission's directorate for health and consumer affairs, Paola Testori-Coggi, has warned manufacturers to expect severe consequences if they fail to make speedier progress on improving the nutritional profile of their products.

Ms Coggi indicated that nutrient profiling is one of the ways regulators could force improvements from the

industry and stated that she wanted the food industry to recognise that nutrient profiling was essential to achieving further improvements in food reformulation. Ms Coggi also announced that the Commission intends to evaluate the European Platform for Action on Diet, Physical Activity and Health to decide what further measures are required to improve EU consumer health.

European Court of Justice rules on food supplements

The European Court of Justice (ECJ) has recently ruled that member states remain competent to establish upper safe limits (USLs) for nutrients used in food supplements where specific levels have not been stipulated by the European Commission.

The ruling in *Solgar Vitamins France v Ministre de l'Economie and others C-446/08* related to the interpretation of Directive 2002/46/EC on food supplements. In particular, the court referred to Article 5(1) and (2), which relates to the criteria member states are obliged to consider in determining USLs, including the requirement for a risk assessment based on generally accepted scientific data. Additionally, it was noted that member states should consider the potential implications under Articles 28 and 30 EC (now replaced by Articles 34 and 36 TFEU), so as not to breach the prohibition on quantitative restrictions.

The ruling could potentially strengthen the argument to raise levels across the EU. It will also restrict the capacity of member states to base USLs on hypothetical calculations and provides national courts with clearer guidelines on which to consider USLs.

UK

Government announces changes to the Food Standards Agency

The government has announced plans to re-organise the Food Standards Agency (FSA). Under the proposals, released on 20 July 2010, the FSA will retain responsibility for food safety but will lose its mandate for nutrition and most aspects of food labelling in England. The Department of Health (DoH) will assume responsibility for nutrition policy, while the Department for Environment, Food and Rural Affairs (DEFRA) will become responsible for country of origin labelling and

various other non-safety-related food labelling and food composition policies. The FSA will retain responsibility for nutrition and labelling policy in Scotland, Wales and Northern Ireland.

In a written statement, the prime minister emphasised the government's continued commitment to the FSA. Ministers have also sought to stress the benefits of allowing the FSA to focus on its core food safety remit.

The FSA will remain a non-ministerial government department and will continue to report to parliament through the health secretary. The changes can be made without primary legislation.

Previously, various high-profile media reports had suggested that the government would use a policy paper to announce that the FSA would be abolished. The coalition government's health white paper 'Equity and excellence: liberating the NHS' in fact contained no mention of the FSA.

Food Standards Agency issues mandate for change

Before the recent announcement that the FSA is to lose its food nutrition and healthy eating promotion role in England, the FSA issued recommendations to food manufacturers in a bid to tackle poor diet as a cause of rising obesity and ill health.

The recommendations, which follow a public consultation in summer 2009, seek to encourage the industry to reduce saturated fat and added sugar as well as increase the availability of smaller single-portion sizes in foods such as biscuits, cakes, buns, chocolate confectionery and soft drinks. In particular, the recommendations include reducing the saturated fat levels in some chocolate confectionery by at least 10 per cent, making soft drinks containing added sugar available in single portion sizes of 250ml and reducing the saturated fat content in biscuits and cakes by between 5 and 10 per cent. Further recommendations are set to follow for dairy and meat products, pastry and savoury snacks.

The FSA's recommendations are voluntary but, owing to the health risks associated with consuming certain fats, a recent report in the British Medical Journal has called for legislation to ban the use of artificial trans fats,

citing this as an effective way to prevent heart attacks and reduce the rates of associated causes of death. This call was echoed in guidelines recently published by the National Institute for Health and Clinical Excellence (NICE), which call for trans fat to be eliminated from the food chain. Legislation that would have banned the use of artificial trans fats in Scotland was, however, recently blocked by the Scottish parliament.

It is unclear whether the DoH will continue to pursue the recommendations when it assumes responsibility for nutrition. A public health white paper is expected later in the year and is likely to contain details of the DoH's nutrition policy.

US

Food and Drug Administration seeks industry comments on food safety during transport

The US Food and Drug Administration (FDA) has released an advanced notice of proposed rules to reduce the risk of food being contaminated during transportation. The FDA has invited comments on the proposals from the food and transportation industries, as well as consumer groups.

The proposals have resulted from various recent food contamination incidents in the US, including Salmonella outbreaks and cross-contamination during transportation. The FDA is also taking this action as part of its implementation of the Sanitary Food Transportation Act 2005, which requires regulations to ensure sanitary food transportation practices.

In particular, the proposal seeks information from the industry on current practices for safe transportation of food intended for human consumption, whether transportation vehicles are used for other goods and what reasonable grounds there might be for exemptions to any foreseeable rules, as well as more general information on the benefits and costs of implementing regulations on large and small businesses. The regulations will be developed with support from the US Departments of Agriculture and Transportation, with the consultation open until the end of August 2010.

Meanwhile, the FDA and the National Institute of Health have launched a new online platform for reporting and monitoring food safety. The Safety Reporting Portal

will provide wider and easier access to online food safety reporting and will eventually lead to an integrated system where safety incident reports will be communicated to all interested federal agencies. It can be accessed at www.safetyreporting.hhs.gov.

Food and Drug Administration consultation on point-of-purchase nutrition information

The FDA has asked for comments and information from the public and other interested parties about how to enhance the usefulness of point-of-purchase nutrition information. It is considering amendments to labelling regulations and is seeking to learn more about the following areas:

- the extent to which consumers notice, use and understand nutrition symbols on front-of-pack labelling of food or on shelf tags in retail stores;
- research that assesses and compares the effectiveness of particular approaches to front-of-pack labelling;
- graphic design, marketing and advertising data and information that can help develop better point-of-purchase nutrition information; and
- how point-of-purchase information may affect decisions by food manufacturers to reformulate products.

The FDA has previously indicated that it wants to revise front-of-pack labelling and develop a standardised approach to help consumers make healthier choices. However, it remains to be seen how this will occur, particularly after previous labelling schemes (such as the 'Smart Choice' labelling programme) were widely criticised. The FDA accepted comments until 28 July 2010.

INDIA

New food safety regulations published

India has published new food safety regulations, which are scheduled to take effect on 1 September 2010. The 'Food Safety and Standards Regulations 2010' will implement the country's Food Safety and Standards Act, passed in 2006. One of the key features of the regulations is to impose primary responsibility for food safety on the food producer. The regulations also present, for the first time, consolidated and explicit rules and instructions for food processors, manufacturers, packagers and retailers. Further, the draft introduces detailed labelling

requirements as well as obligations for hygienic and sanitary practices to be adopted during processing, packaging and storage. However, the regulations do not cover organic food, genetically modified food or food-related claims. Additionally, there is no guidance on food surveillance, the reporting of food incidents or on the recall of contaminated food products. Nonetheless, such regulations do align India with international best practice and it is hoped that they will go some way towards ensuring food safety and assisting consumers in making informed choices.

Newswatch

- The European Food Safety Authority (EFSA) has produced a consultation draft of a briefing document for stakeholders on the evaluation of health claims under Articles 13 and 14 of the nutrition and health claims regulation (Regulation 1924/2006). The draft briefing document covers the key factors that the EFSA takes into account when determining whether a claim is substantiated, the issue of the totality of scientific evidence and the basis on which it proposes the wording of claims, among other matters.
- A mandatory code of conduct for retailers of alcohol has recently been approved by the UK parliament. Since 6 April 2010, promotions such as 'all you can drink' deals and speed-drinking competitions have been banned. Free tap water must also be available for customers. On 1 October 2010, further measures come into force, requiring retailers to provide small measures of beer, wines and spirits and to have an age verification policy in place. The topic of irresponsible drinking is one that is prevalent across Europe. A recent European Commission survey found that Europeans widely support public policies aimed at reducing alcohol-related problems.
- The FSA has begun issuing a quarterly magazine on food-related topics, with the second issue focusing on nanotechnology. Called *Bite*, the publication explores the benefits, disadvantages and potential dangers of nanotechnology, as well as looking at the development of the technology from a technological, business, government and regulatory perspective.
- The UK coalition government has announced plans for the British food and drink industry to fund its health promotion strategy in return for restraint from tighter regulation. Alcohol and confectionery firms would fund the government's Change4Life campaign, aimed at improving young people's diets and promoting increased levels of physical activity, instead of facing marketing restrictions and stricter regulation of food content. It is not presently clear if the scheme would operate by way of a mandatory levy or merely through voluntary contributions.
- The Beverage Industry Environmental Roundtable (BIER), which includes leading companies and trade groups in the drinks industry, has drawn up guidance for greenhouse gas (GHG) reporting. The guidance enables manufacturers to report on a product or at enterprise inventory level. Download the guidance at www.bierroundtable.com/pressreleaseGHGguidance.html

- The Confederation of the food and drink industries of the EU (CIAA) has recently released a report that highlights the food and drink industry as being the largest manufacturing sector in the bloc, making up almost 13 per cent of the overall manufacturing industry.
- Members of the EFSA's Stakeholder Consultative Platform met recently to discuss the strengthening of the EFSA's relationship with representatives of consumer, industry and environmental groups to boost co-operation. Two new projects were launched – the Rolling Work Plan, which lists all EFSA activities and events organised for, and with, the Stakeholder Platform and other stakeholder organisations throughout the year, and a new working group to look at ways to increase the engagement of stakeholder organisations and consumers in the EFSA's activities.
- The British Soft Drinks Association has published a code of practice for energy drinks. The new guidelines demand that all high-caffeine drinks carry the additional labelling statement: 'not suitable for children, pregnant women and persons sensitive to caffeine', and that such drinks must not be promoted or marketed to children under the age of 16.
- The World Bank is to lend the PRC \$100m in a bid to improve food safety. The loan will fund 70 per cent of an initiative in China to boost the safety of agricultural products in the Jilin province.
- New research has identified Germany, Italy, Spain and the UK as the gatekeepers of EU food safety. Between them, they were responsible for almost 60 per cent of notifications under the Rapid Alert System for Food and Feed (RASFF) between 2000 and 2009. Around half of the alerts issued by the four countries were at their borders, with the vast majority of the rest resulting from market control rather than own-company reports.
- The legal dispute between Ajinomoto and ASDA over the right to call aspartame 'nasty' has further developed following a Court of Appeal judgement overturning last year's High Court ruling in ASDA's favour. Ajinomoto will now proceed with its malicious falsehood case that stemmed from the fact that ASDA labelled the sweetener as one of several 'hidden nasties' excluded from its 'Good for You' and 'Great Stuff' ranges.
- The Scottish government has launched a consumer guide to country of origin information on food labels. The guide gives easy-to-read background information on the current rules on country of origin labelling and highlights those foods to which specific labelling rules apply.

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