

British Frozen Food Federation



T&L update 46

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FSA has announced the range of activities it plans to help people reduce the amount of saturated fat they eat.

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New Commission Decision published that introduces some changes to the list of third countries from which fishery products and bivalve molluscs may be imported.

EFSA advice on setting nutrient profiles 14

The European Commission requested the European Food Safety Authority to provide relevant scientific advice for the setting of nutrient profiles - required for the EU Regulation on Nutrition and Health Claims on Foods. Advice has now been provided in the form of a Scientific Opinion from EFSA's Panel on Dietetic Products, Nutrition and Allergies.

Combating food fraud seminar 15

The FSA recently held a seminar on food authenticity and the analytical tools that can detect fraud.

Consumer Attitudes Survey 15

The FSA has published its eighth annual Consumer Attitudes to Food Survey. The Agency says that the survey points to increased confidence among the public in the food they are consuming and to wider food issues.

European 'Food Information' Proposal FSA consultation

At the end of January the European Commission adopted its expected proposal for new legislation on the provision of food information to consumers. The full text of the proposal is available from the DG SANCO website at <http://tinyurl.com/3agbe5> as 'Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers' (under reference COM(2008)40).

Also available from the same web address are:

- two Commission Impact Assessment Reports (with separate Summary documents) - on **General Food Labelling Issues** (ref SEC(2008) 92), and on **Nutrition Labelling Issues** (ref SEC(2008) 94)
- a **Citizen's Summary** document
- the Commission press release ('**Commission proposal to overhaul EU food labelling rules**' IP/08/112), and the Q&A document ('**Questions and Answers on Food Labelling**' MEMO/08/64), as previously referred to
- links to consolidated versions of existing **Directives 2000/13/EC** on the labelling, presentation and advertising of foodstuffs and **90/496/EEC** on nutrition labelling for foodstuffs

It is important to note that the proposal is in the form of a Regulation. Once finalised, this regulation will be directly applicable in all member states. It will replace two existing Directives that cover both general labelling requirements for all foodstuffs (Directive 2000/13/EC), and nutrition labelling on foods (Directive 90/496/EEC). In the UK, the new European regulation will replace our various national Food Labelling Regulations.

The Commission's proposal will be dealt with under the EU's co-decision procedure, requiring consideration and agreement by both European Council and European Parliament. Once adopted by the Council and Parliament (perhaps by 2009/2010), the Regulation will enter into force 20 days after its publication in the Official Journal. There is however a substantial transition period for certain new mandatory requirements, which would apply only 3 years after the entry into force of the Regulation ('to allow industry time to adjust').

More information on the EU's co-decision process can be found on the Europa website at http://ec.europa.eu/codecision/index_en.htm. The length of time taken to complete the co-decision process is quite variable. For the period from mid-2004 to December 2006, proposals concluded at 1st reading took an average of 15.7 months, but for those concluded at second reading the average increased to 32.0 months. For the small number of proposals requiring the conciliation stage the average was 36.4 months.

Readers should of course be aware that there will certainly be changes to the Commission's text during the co-decision process, and the initial text should not therefore be taken as final in all respects. Changes could be significant.

The Food Standards Agency has started a stakeholder consultation on the Commission proposal with a deadline for comments of 2 May. There are separate consultations in Scotland, Wales and Northern Ireland. Full details are available from the FSA website at <http://www.food.gov.uk/consultations/>. The consultation document includes the FSA's Impact Assessment

The FSA notes that

"The proposal is the first step in the process of negotiating new regulations. The Agency will be considering how the proposal can benefit consumers and industry, and will be continuing to work with stakeholders to ensure UK views are represented. The comments received from this consultation will help inform the Government in its negotiations on the proposal. ... The Agency will be taking account of views on the proposal, when developing policy decisions and UK lines, ahead of negotiations later this year."

The FSA consultation document identifies a number of 'key issues and areas of major change' in the Commission proposal on which it is seeking stakeholder views -

| | |
|---------------------|-----------------------------------|
| Simplification | Principles-based approach |
| Nutrition labelling | Clarity |
| Country of origin | Food sold loose/allergy labelling |
| Distance selling | Alcoholic drinks |
| National schemes | Transition period |

The Agency also invites comments on other aspects of the proposal, and on the content of its impact assessment.

On the subject of 'National Schemes', the FSA says:

"The proposal provides a framework for national labelling schemes. They are intended to promote innovation in the interest of clarity for consumers, alongside harmonisation and co-operation between Member States, without the need for legislation. This would permit the continued use of traffic light labelling and could, for example, be used to promote UK Best Practice Guidance on the provision of Allergy information for non pre-packed foods."

The Commission has said that overall, the general provisions for food labelling will remain the same under the new Regulation, and this would appear to be the case, although the structure of the proposed Regulation is rather different to that of the existing Directive.

Drained Net Weight

One further issue that many readers should be aware of is the continuation of the drained net weight requirement, which of course applies to ice-glazed products (see below for detail). This requirement was never implemented from the food-labelling directive into UK law, but since the proposed regulation will apply directly in all member states, **we should expect, at long last, to have a new legal requirement to declare a drained net weight (net of glaze), as well as the net weight.**

Since this is already a requirement in the existing directive, the Commission proposal does not include any transition period for businesses to make any necessary changes to their labelling.

Drained Net Weight:

Extracts from Commission's 'Food Information' Proposal

Article 9 List of mandatory particulars

1. In accordance with Articles 10 to 34 and subject to the exceptions contained in this Chapter, indication of the following particulars shall be mandatory.

(e) the net quantity of the food

Article 24 Net Quantity

1. The net quantity of a food shall be expressed, using litres, centilitres, millilitres, kilograms or grams, as appropriate:

(a) in units of liquid in the case of liquids;

(b) in units of mass in the case of other products

3. Technical rules for applying paragraph 1, including specific cases where the indication of the net quantity shall not be required, are laid down in Annex VIII.

ANNEX VIII NET QUANTITY DECLARATION

5. Where a solid food is presented in a liquid medium, the drained net weight of the food shall also be indicated.

For the purposes of this point, 'liquid medium' shall mean the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables.

Food Labelling (Declaration of Allergens) Regulations 2008

The Food Standards Agency is consulting on draft regulations that will implement the requirements of Commission Directive 2007/68/EC into UK law.

Directive 2007/68/EC of 27 November 2007 ('amending Annex IIIa to Directive 2000/13/EC as regards certain food ingredients') provides for **permanent exemption from allergen labelling requirements for certain derived ingredients, following the expiry of the temporary exemptions that had previously been allowed.** Directive 2007/68/EC was published in the Official Journal L310/11 on 28.11.2007, and copies are available from the Eur-Lex website at <http://tinyurl.com/2346x6>

Readers are already aware that not all of the temporarily exempt ingredients are included in the new list for permanent exemption. The schedule of allergenic ingredients that will now appear in the national Food Labelling Regulations is reproduced below.

There are separate regulations and separate consultations for England, Scotland, Wales, and Northern Ireland, with consultation deadlines of 14 March (England) or 17 March.

- Draft Food Labelling (Declaration of Allergens) (England) Regulations 2008
- Draft Food Labelling (Declaration of Allergens) (Scotland) Regulations 2008
- Draft Food Labelling (Declaration of Allergens) (Wales) Regulations 2008
- Draft Food Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2008

Full details are available on the FSA website at <http://www.food.gov.uk/consultations/>.

As expected, the draft regulations provide for the transition arrangements indicated by the Directive ("Member States shall allow foodstuffs placed on the market or labelled before 31 May 2009 that comply with the (existing) provisions of Directive 2005/26/EC to be marketed until stocks are exhausted")

The full consultation package includes the draft regulations and the Agency's Impact Assessment, together with draft revised guidance - "Guidance Notes and Best Practice on Allergen and Miscellaneous Labelling Provisions". This guidance was only recently updated (to consolidate and replace previous separate guidance on 2004 and 2005 Regulations and to include new guidance relating to recent 2007 Regulations), but now requires further revision to reflect the changed situation on exempt ingredients. **The FSA is however taking the opportunity to make changes to the guidance beyond the minimum that is necessary.** Readers will see for

example see that greater emphasis is given to 'Best Practice' advice, which is now more clearly differentiated from guidance on legal requirements (in shaded boxes and labelled 'Best Practice'). The Agency is seeking comments on the content and clarity of the guidance document.

SCHEDULE

Content to be inserted as Schedule AA1 to the Food Labelling Regulations 1996

1. **Cereals containing gluten** (i.e. wheat, rye, barley, oats, spelt, kamut or their hybridised strains), except:
 - (a) wheat-based glucose syrups including dextrose(1);
 - (b) wheat-based maltodextrins(1);
 - (c) glucose syrups based on barley;
 - (d) cereals used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages.
 2. **Crustaceans.**
 3. **Eggs.**
 4. **Fish, except:**
 - (a) fish gelatine used as a carrier for vitamin or carotenoid preparations;
 - (b) fish gelatine or isinglass used as a fining agent in beer and wine.
 5. **Peanuts.**
 6. **Soybeans, except:**
 - (a) fully refined soybean oil and fat (1);
 - (b) natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, natural D-alpha tocopherol succinate from soybean sources;
 - (c) vegetable oils derived from phytosterols and phytosterol esters from soybean sources;
 - (d) plant stanol ester produced from vegetable oil sterols from soybean sources.
 7. **Milk (including lactose), except:**
 - (a) whey used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages;
 - (b) lactitol.
 8. **Nuts, i.e. almonds (*Amygdalus communis* L.), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoensis* (Wangenh.) K.Koch), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*), macadamia nuts and Queensland nuts (*Macadamia ternifolia*), except:**
 - (a) nuts used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages.
9. **Celery.**
 10. **Mustard.**
 11. **Sesame seeds.**
 12. **Sulphur dioxide and sulphites** at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO₂.
 13. **Lupin.**
 14. **Molluscs.**
 - (1) The exception only applies to products derived from these products in so far as the process they have undergone is not likely to increase the level of allergenicity assessed by the European Food Safety Authority for the relevant product from which they originated.

PAS 2050: assessment of life cycle greenhouse gas emissions of goods and services

BSI has issued for consultation the second draft of PAS 2050, the **Publicly Available Specification for the assessment of the life cycle greenhouse gas emissions of goods and services**, which is being developed in conjunction with the Carbon Trust and Defra

BFFF has been invited to join the Review Panel consultation for the development of the specification and is asked to provide comments no later than 28 March 2008.

Interested readers should see both the draft specification and the accompanying technical notes, which provide an overview of the structure, key issues and decisions in the development of PAS 2050.

Readers should note that BSI makes it clear that the draft specification is intended for private circulation. BSI copyright is waived only for the purposes of consultation within the (BFFF) organization and/or membership network.

"As draft documents are liable to undergo major changes, their wide distribution can cause misunderstandings among people not closely associated with the project. This could result in significant project delays."

All comments must be sent back in a single comments form.

"Comments submitted after the closing date, or not in the requested format, or by an organization outside the group of invitees, are unlikely to be taken into consideration. One comments form per organization should be submitted."

Members of the Federation may obtain copies of the draft specification and the accompanying technical notes from the BFFF office at Grantham. Any comments in response to the consultation should be submitted back via Ian Farley at BFFF Grantham, no later than Wednesday 19 March, so that a single co-ordinated response can be submitted on behalf of BFFF.

One area that members may wish to consider is the definition of the system boundary, particularly the inclusion of the 'use phase':

Section 6 in the Technical Notes reads as follows:

6. System boundary

The system boundary includes:

- Raw materials
- Energy
- Manufacturing and service deliver
- Lighting, heating, cooling and ventilation of premises

- Transport
- Storage
- Use phase
- Recycling and reuse
- Final Disposal

When assessing GHG emissions from the use phase, it is important to consider what the use profile (i.e. assumptions about the products' use) will be: it is not possible for PAS 2050 to specify the use profile for all products. Instead, the method

1) specifies a hierarchy of sources that the use profile may be obtained from, and

2) requires that whenever information regarding the use phase GHG emissions of a product are provided to a third party, the basis of the use profile is made public.

This approach ensures that there is clarity regarding the assumptions behind the use phase emissions of the product, and it encourages a common basis for the use profile between different product manufacturers.

The system boundary is specified on an exclusion basis: unless the item is specifically excluded from the system boundary, it is considered to be within the system boundary. Parallel to this requirement is the concept of a "materiality rule", whereby inputs to the life cycle GHG emissions of a product must make a material contribution: this materiality rule will tend to exclude minor contributions (inputs accounting for 1% or less) to the life cycle emissions of the product.

Specific exclusions from the system boundary are:

- Human energy inputs
- Transport of consumers to the point of purchase
- Animals providing transport

Where results are made available to third parties, the system boundary is also limited according to the type of third party.

For business-to-business transactions, the system boundary does not include any downstream emissions (e.g. the use phase of the product): this provision is to ensure that information flow within businesses involved in a supply chain is additive, and also reflects the limited knowledge businesses further up the supply chain will have regarding the subsequent use of their products. (For example, a bauxite miner will have little information about the final use of the aluminium arising from their mining activities.)

For business to consumer transactions, both the life cycle GHG emissions and the use phase GHG emissions result for the product must be calculated.

Readers should also be aware that the Scope for the PAS establishes that the assessment of greenhouse gases in PAS 2050 includes carbon dioxide, methane,

nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride.

The BSI consultation invitation provides the following background information:

"This consultation is the second of a broad two-stage consultation process on PAS 2050. It is an opportunity for a large number of stakeholders to provide technical comments on the draft specification. The comments and suggestions received will be considered for inclusion in the final draft of the specification. The aim of both stages of the consultation is to create a single standard that will enable a consistent and comparable approach to assessing the embodied greenhouse gas emissions of goods and services across their lifecycle that will be applicable to a wide range of sectors and product categories. This work could in the future be the first step towards an internationally agreed standard for assessing product greenhouse gas emissions.

"The development of PAS 2050 commenced in June 2007, when the Carbon Trust and Defra approached BSI Standards Solutions to oversee the development of this specification. Since this time, the development of PAS 2050 has benefited significantly from an extensive stakeholder engagement process, which has included a first consultation in October 2007, input from expert work groups, support via commissioned research, and insights arising from testing the draft standard with pilot companies."

More information on the PAS format and development process is available from the BSI website at www.bsigroup.com/PAS2050

Readers may also wish to see:

- the original draft methodology from the Carbon Trust ("Carbon Footprint Measurement Methodology", version 1.3, 15 March 2007) which can be downloaded from <http://tinyurl.com/3dpzcr>
- the BSI first draft PAS 2050 document - available from the BFFF Grantham office on request
- the final report of a 'fitness for purpose' review of existing approaches commissioned by Defra (ref EV02074), available from the Defra website at <http://tinyurl.com/37748a>

LACORS guidance notes on the labelling of sandwiches

LACORS has issued its revised and updated guidance notes on the labelling of sandwiches, replacing those published in 1997. Copies can be downloaded from the LACORS website at the following address: <http://www.lacors.gov.uk/lacors/upload/17265.doc>

The introduction to the guidance states that the guidance has been prepared by LACORS for use by enforcement officers solely in relation to advice on

labelling to be given to producers and sellers of sandwiches.

"This advice has been produced and published by LACORS and is not endorsed by UK trade interests"

The term "sandwiches" is intended to cover filled rolls, baps, baguettes, French sticks, pittas, paninis, ciabatta and wraps etc, but is not intended to cover other products such as quiches, pizzas, pies etc.

Restructuring of Enforcement Work at the Food Standards Agency

The FSA has announced that there are to be changes to the organisation of enforcement-related work at the Agency, "in order to better reflect objectives and the way that [the Agency] works".

The former Enforcement Group has been restructured, with the formation of a new Group - the **Consumer Protection and Enforcement Group**. David Statham is Director, Consumer Protection and Enforcement Group. The new Group will comprise four Divisions as follows:

- Enforcement Science and Policy (ESP) headed by Alison Gleadle. This Division will act as the focus for the development of the Group's major strategic and cross-cutting policy - in the areas of enforcement, official meat controls, general food hygiene and TSEs. This will include working in Europe to secure legislative change to deliver risk based official meat controls, confirmed as a Board priority in July 2007. Consistent with the Agency's core values, Group policy will continue to be founded on the best available science and evidence and the Division will take the lead within the Group for developing the evidence base.
- Meat Hygiene and Veterinary Division (MHVD) headed by Peter Hewson. This Division will continue to be responsible for working with the Meat Hygiene Service and local authorities to implement current meat hygiene legislation requiring veterinary inspection. Following the Board discussion in July 2007 the Division is charged, along with the MHS, with making the implementation as risk and evidence based as possible, whilst continuing to protect public health, and working towards achieving full cost recovery of meat inspection charges.
- Local Authority Liaison Division (LAL) headed by Tom Murray will develop and manage relationships with Local Authorities based on:
 - o monitoring and audit of enforcement activity to generate an evidence base to feed in to policy development and provide assurances on the delivery of official controls.
 - o managing the Agency's presence in Government

Offices for the Regions to develop and utilise partnerships to deliver the Agency's strategic agenda at a Regional/local level.

- o developing and taking forward implementation of support packages to assist local authorities in delivering good business compliance.
- o coordinating arrangements to fulfil EU obligations on reporting and delivery of Official Controls including in relation to the UK National Control Plan (NCP).
- Imported Food and Food Standards Enforcement (IFFSE) headed by Sarah Appleby leads on developing a strategic approach to Local Authority Enforcement. The team provides advice and policy support to local authorities on all aspects of enforcing hygiene, food safety, food standards and labelling, food fraud and imported food. The Division is also directly responsible for UK enforcement of Wine Standards.

The new structure is expected to be fully established before the start of the 2008/09 financial year.

Potential EU Commission Legislation Regarding Imported Fishery Products

The Food Standards Agency has issued an 'Interested Parties' letter regarding possible EU legislative action on imports of certain fishery products from **Gabon, Uruguay, Fiji** and all Products of Animal Origin from **China**. The letter read as follows:

At the last meeting of the EU Standing Committee on Food Chain and Animal Health (SCoFCAH), a number of issues were discussed and it is likely that action will be taken shortly by the EU to deal with them. The purpose of this letter is to alert interested parties to the following proposals.

a) Fishery Products from Gabon.

Following a Food and Veterinary Office (FVO) mission to Gabon, where deficiencies were recorded, it is proposed that a Commission Regulation will be introduced for all fishery products entering the EU from Gabon. This is likely to mean that 100% of consignments will have to be tested for heavy metals, as well as sulphites

b) Amendment to the list of all fish processing establishments in Uruguay.

A mission by the FVO was undertaken in Uruguay and, as a result, changes will be made to the list of approved fishery products establishments and some will be removed from the approved list. The Agency is not yet aware which establishments are affected.

c) Proposal for a Commission Regulation to de-list Fiji.

The FVO recently carried out a mission to Fiji regarding

controls on fishery products. Major deficiencies were identified. A draft Decision therefore removes Fiji from the approved list of third countries for exports of fishery products (List II). Technical assistance will be provided to the Fijian Government to help them regain their status. BIPs will be asked to conduct 100% physical checks on consignments of fishery products, until the Decision comes into effect.

d) Proposal for a Commission Decision amending Commission Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China.

The draft Decision adds Malachite Green and Crystal Violet to the contaminants for pre-export analysis. China has the ability to check for these contaminants. However, consignments tested in the transitional period should be held at the port until the result is received. The Decision is expected to come into force on 15 March 2008.

(from FSA Imported Food and Food Standards Enforcement Division; 14 February 2008; Reference FIN 01/2008 - copies are available from the FSA website at <http://tinyurl.com/2v6hkr>)

Food and Veterinary Office - Inspection reports

A number of FVO inspection reports have recently been published that will be of interest to readers of this newsletter.

Copies can be found on the DG SANCO website at http://ec.europa.eu/food/fvo/ir_search_en.cfm - simply enter the inspection report number given below:

| | | | |
|----|--------------------------|---|-----------|
| PM | Saint-Pierre-et-Miquelon | Bivalve Molluscs | 7510/2007 |
| GB | UK | Foot-and-Mouth Disease | 7416/2007 |
| ID | Indonesia | Control of residues and contaminants in live animals and animal products, including controls on veterinary medicinal products | 2007/7503 |
| IN | India | Contaminants - pentachlorophenol (PCP) and dioxins in guar gum | 7619/2007 |
| AZ | Azerbaijan | Fishery products | 2008/7308 |
| TH | Thailand | Contaminants - microbiological contamination in herbs and spices | 7181/2007 |
| GN | Guinea | Fishery Products | 8175/2006 |
| GA | Gabon | Fishery products | 7297/2007 |
| VN | Vietnam | Fishery products and live bivalve molluscs | 7291/2007 |

| | | | |
|----|------------|---|-----------|
| EC | Ecuador | Fishery and Aquaculture Products | 7295/2007 |
| SN | Senegal | Fishery products | 7511/2007 |
| FJ | Fiji | Fishery products | 7305/2007 |
| CN | China | Food Contact Materials (FCM) | 7572/2007 |
| BD | Bangladesh | Control of residues and contaminants in live animals and animal products, including controls on veterinary medicinal products | 2007/7504 |

Food Standards Agency to review fish advice

The FSA has announced that it is to review its advice on eating fish in relation to the sustainability of some types of fish.

"In light of the Agency's commitment to sustainable development and in response to comments from stakeholders (including a recommendation from the Royal Commission on Environmental Pollution), the Agency is reviewing its advice to consumers on eating fish to take into account sustainability. The project will bring together the nutritional/safety evidence and the sustainability impacts of the Agency's current advice to eat two portions of fish a week, one of which should be oily. We do not intend to reopen the scientific evidence on nutrition and safety for reappraisal, but rather use this as the background to an assessment of sustainability. The aim is to produce sound dietary advice that takes into account nutrition, safety and sustainability evidence.

"We expect the review to be concluded by June 2008. Draft findings and recommendations will be subject to a full public consultation in the summer."

An informal stakeholder group is being established to provide advice and input ahead of the formal consultation.

"At this stage it is envisaged that the stakeholder group will meet in March when we will present the background evidence and outline the options being considered for views. After this meeting we expect that the group would work by email if further contact was necessary, although further meetings could be arranged if the progress of the review made this necessary."

Rosemary Hignett, Head of the FSA's Nutrition Division said: 'We are aware that fish consumption and sustainability is a key issue for many consumers and current advice can be confusing. We are going to involve interested stakeholders, including other Government departments, consumer and health groups, environmental organisations, as well as representatives of the fishing and food industries.'

The Agency is aiming to publish the findings of the review before the end of 2008.

The Stakeholder Group is expected to include representatives from the following organisations:

- o Defra
- o Marine & Fisheries Agency
- o Sustainable Development Commission UK
- o Department of Health
- o Marine Stewardship Council
- o Marine Conservation Society
- o Sustain
- o Greenpeace
- o National Consumer Council
- o Which
- o British Heart Foundation
- o **Food and Drink Federation Seafood Group**
- o **Seafish Industry Authority**
- o **British Frozen Food Federation**
- o **Scottish Salmon Producers Organisation**

Further information is available from the FSA website at www.food.gov.uk/news/newsarchive/2008/feb/fish

Omega 3 Fish Fingers - advertising cleared by ASA

The Advertising Standards Authority has published the results of its adjudication procedure in relation to television and magazine advertisements for Birds Eye Omega 3 Fish Fingers

Three complainants, including Sustain, challenged whether the TV ad was misleading because they did not believe the white fish used to make Birds Eye Fish Fingers contained a significant amount of omega 3.

In response Birds Eye said omega 3 occurred naturally in nutritionally significant quantities in the Alaska Pollock used to make their Omega 3 Fish Fingers. They sent independent testing that showed the Omega 3 Fish Fingers contained an average of 135 mg of omega 3 per 100 g of fish. The testing was carried out on fish fingers made from Alaska Pollock caught at different times of the year to allow for seasonal variations in the fat levels of the fish, which has an impact on the levels of omega 3 present. Birds Eye said that omega 3 was a polyunsaturated fat and was defined as a nutrient under EU regulation 1924/2006 (Nutrition and Health Claims Made on Foods). They said the Scientific Advisory Committee on Nutrition (SACN) recommended a daily intake of 450 mg of long-chain omega 3 per day. They said the generally accepted threshold for nutritional significance was 15% of the recommended daily intake (EU Directive 90/496/EEC). They said that, because

the average omega 3 content of a portion of Birds Eye Omega 3 Fish Fingers was 17.5% of the recommended daily intake, it was nutritionally significant.

Clearcast (formerly the Broadcast Advertising Clearance Centre) said they had requested substantiation from Birds Eye to support their claim that Omega 3 Fish Fingers could be considered a source of omega 3 before they cleared the TV ad. They said the evidence was reviewed by Clearcast's qualified nutritional consultant, who confirmed the Fish Fingers did contain enough omega 3 to substantiate the claims made in the ad. They said they had worked with Birds Eye and the advertiser to make sure the ad referred to new Omega 3 Fish Fingers and not to any other fish fingers in the range

The complaint was not upheld. The ASA Assessment reads as follows:

The ASA acknowledged the evidence sent by Birds Eye concerning the nutritional significance of the amount of omega 3 in their Omega 3 Fish Fingers. We noted that evidence confirmed that omega 3 was naturally occurring in Alaska Pollock and their fish fingers contained, on average, 79 mg of omega 3 per three finger portion. We noted Birds Eye believed the Omega 3 Fish Fingers contained a nutritionally significant amount of omega 3 because a portion contained 17.5% of SACN's recommended daily intake of omega 3. In the absence of an official Recommended Daily Amount (RDA) provided by the Department of Health for omega 3, we compared the figure of 450 mg quoted by Birds Eye with the advice given by the Food Standards Agency (FSA). The FSA recommended that at least one portion (140 g) of oily fish should be eaten a week to provide a minimum intake of between 2 g and 3 g of omega 3. We accepted that the high end of that recommendation equated to a daily intake of around 428 mg of omega 3, which was lower than the 450 mg quoted by Birds Eye. Although the EU Directive 90/496/EEC on food labelling referred to by Birds Eye applied only to nutrients with an RDA, we considered that it was reasonable to apply the same ratio (15% of the RDA) to determine whether the amount of omega 3 in their Alaska Pollock Fish Fingers was nutritionally significant. Although we noted the Alaska Pollock used to make the fish fingers did not contain omega 3 in the same quantities as oily fish like salmon or mackerel, we concluded that Birds Eye had nonetheless substantiated their claim that their Omega 3 Fish Fingers contained a nutritionally significant amount of omega 3, and the ad was not misleading.

Other complaints concerned the strapline "**Good Mood Food**". Again the complaint was not upheld.

No action was considered necessary by the ASA

Full information is available from the ASA website at www.asa.org.uk/asa/adjudications/Public/TF_ADJ_43939.htm

F-Gas Support

Defra is working closely with the Environment Agency, the Scottish Environment Protection Agency, LACORS (Local Authorities' Coordinators of Regulatory Services) and the devolved administrations to prepare for the implementation of a risk-based enforcement approach to the EC Fluorinated Greenhouse Gases and Ozone Regulations and related GB Regulations that create offences and penalties for failure to comply.

F-Gas Support is a Government funded team set up to help organisations understand their obligations under the EU Fluorinated Greenhouse Gases and Ozone Regulations. F-Gas Support will also be

working with councils and national regulators to promote compliance with these important environmental regulations. F-Gas Support is being run on behalf of Defra and the devolved administrations by LACORS and Enviros.

Further information is available from the Defra website ('Climate change: Fluorinated greenhouse gases in the UK') at <http://tinyurl.com/youqm6d>. The text below is reproduced from the leaflet introducing the Regulations and the support team's role, available from the Defra website

F-Gas Support

Promoting Compliance with F-Gas and Ozone Regulations

What is F-Gas Support?

F-Gas Support is a Government funded team set up to help organisations understand their obligations under the EU Fluorinated greenhouse gases (F gases) and Ozone Regulations. F-Gas Support will also be helping Regulators promote compliance with these important environmental Regulations. F-Gas Support is being run on behalf of Defra and the devolved administrations with full coverage across England, Scotland, Wales and Northern Ireland and the marine area (as defined in the F gas Regulations).

What are F Gases?

F gases are a family of chemicals that contain fluorine. Most F gases are very powerful greenhouse gases which contribute to global warming if emitted to the atmosphere. The relevant F gases being regulated are:

| | | |
|-----------------------|----------------------|---|
| HFCs | Hydrofluorocarbons | <u>Common uses:</u> refrigerants in refrigeration, air-conditioning and heat pumps used in many applications such as industry, offices, retail, hospitality and cars. <u>Other uses:</u> aerosols, insulating foam, solvents and fire protection |
| PFCs | Perfluorocarbons | Used in semi-conductor manufacture and a few other specialised applications. |
| SF₆ | Sulphur hexafluoride | Used in high voltage switch gear, for magnesium smelting processes and a few other specialised applications. |

What are ozone-depleting substances (ODS)?

ODS are chemicals that can damage the Earth's ozone layer if they escape into the upper atmosphere. The ozone layer protects all living things from harmful ultraviolet radiation from the sun. ODS include HCFCs (hydrofluorocarbons) which are still used widely as refrigerants in building air-conditioning and in industrial and commercial refrigeration.

Which Regulations are applicable?

F-Gas Support will help promote compliance with two important EU Regulations:

- EC Regulation 842/2006 on certain fluorinated greenhouse gases (the F gas Regulation), which aims to reduce emissions of HFCs, PFCs and SF₆ and whose key obligations came into force in July 2007.
- EC Regulation 2037/2000 on substances that deplete the ozone layer (the Ozone Regulation), which phases out and controls remaining uses of ODS and has been in force since 2000. HCFCs are the main type of substance still to be phased out under this Regulation.

The obligations in these Regulations are fleshed out by a number of European Commission Regulations that provide extra detail and introduce minimum requirements which must be complied with. In addition to this the Fluorinated Greenhouse Gases Regulations 2008 prescribe offences and penalties applicable in Great Britain to infringements of the EU F gas Regulation.

Who is affected by these Regulations?

Many commercial, industrial and public sector organisations will have obligations under the F gas and/or the Ozone Regulations.

End users of F gases and ODS have a number of obligations related to containment, gas recovery and record keeping. There are a large number of organisations that use F gases and they must all ensure they are complying with the Regulations.

Contractors working with F gases and ODS have obligations related to the use of suitably qualified staff and provision of appropriate equipment. Contractors in refrigeration, air-conditioning and fire protection will also need to obtain a certificate to allow them to work with F gases.

Equipment manufacturers and distributors have obligations related to equipment labelling and must ensure they adhere to the applicable F gas and ODS product bans. They can help end users by selling equipment that has very low leakage rates.

F Gas Bans will apply in a number of markets including the use of HFCs in certain types of aerosol, the use of SF₆ in magnesium smelting and the use of non-refillable F gas containers. HCFC refrigerants will be phased out between 2010 and 2015.

Who is responsible for regulation?

For industrial facilities with environmental or IPPC/PPC permits regulated by the Environment Agency, the Scottish Environment Protection Agency or the Northern Ireland Environment and Heritage Service, those national bodies will be the regulators for the F gas and Ozone Regulations.

Councils will be the regulators for other industrial sites, and for all commercial and retail businesses.

The Department for Business, Enterprise and Regulatory Reform (BERR) will be the regulator for the offshore oil and gas installations.

What will F-Gas Support be doing to help with compliance?

F-Gas Support will be working proactively with affected organisations to provide information and guidance. F-Gas Support will help explain the obligations and provide practical advice about compliance. Information will be available from various sources including a Telephone Help Line and a dedicated F-Gas Support web site.

What should you do next?

You need to assess whether your organisation is affected by the F gas and Ozone Regulations and, if you are affected, you must comply with your legal obligations. A visit to the F-Gas Support web site will help you identify your obligations. It is suggested that a Director of your organisation should be made responsible for compliance with the Regulations.

If you register your organisation with F-Gas Support we can ensure that you receive help and advice regarding your legal obligations and how to achieve compliance.

How to contact F-Gas Support:

Website www.defra.gov.uk/fgas
Telephone Help Line 0161 874 3663
Email: fgas-support@enviros.com
Post: F-Gas Support, P O Box 481, Salford, M50 3UD

FSA Plan to reduce saturated fat consumption

The Food Standards Agency has announced details of the range of activities it plans to help people in the UK reduce the amount of saturated fat they eat.

The Agency notes that the diet of the average British adult contains too much saturated fat, added sugar and salt. Since 2004 the Agency has been working with industry to reformulate foods to reduce the amount of salt they contain, along with communicating the health impacts of a high-salt diet directly to consumers. It is now extending that focus to saturated fat and the balance of calories that we need.

Intakes of saturated fat in UK diets are around 20% higher than official Government recommendations.

The programme of activity published by the FSA highlights how developing and building on positive and collaborative partnerships with industry, along with consumer awareness activity, could help reduce population intakes of saturated fat from 13.3% to below

11% of food energy.

This planned activity outlines the steps that can be taken to tackle the amount of saturated fat and added sugar to foods, while also taking account of the more complex and technical issues around reformulation. Reducing the amount of saturated fat in some foods presents a more complex challenge than removing salt.

This programme outlines future work in the following areas:

- building on partnerships with the food industry to:
 - o encourage further voluntary reformulation of specific food groups to reduce the amount of saturated fat and added sugar they contain
 - o increase the ranges of healthier options and step up the promotion of healthier products to consumers
 - o make smaller portion sizes more readily available
 - o publish food industry commitments to

reformulate

- increasing consumer awareness activity to raise the profile of saturated fat as part of our overall efforts to encourage people to choose a healthy diet
- holding an independent academic workshop to examine evidence on portion sizes, chaired by Dr Susan Jebb - Head of Nutrition and Health Research at the Medical Research Council

The steps outlined tie in with the Department of Health's Healthy Lives, Healthy Weight, and the Healthy Food Code of Good Practice outlined within the report.

Further details are available from the FSA website at www.food.gov.uk/news/pressreleases/2008/feb/satfatprog

A full public consultation exercise was carried out by the FSA on a draft saturated fat and energy intake programme, between March and June 2007.

Three new FSA Board Members appointed

The Minister of State for Health, Dawn Primarolo has appointed three new Food Standards Agency (FSA) board members after consultation with health ministers for Scotland, Wales and Northern Ireland.

The three new board members are Professor Sue Atkinson CBE, Margaret Gilmore and Clive Grundy.

Professor Atkinson is a senior executive and public health doctor with wide experience of policy development and implementation experience. Until recently, she was regional director of public health for London and health advisor to the Mayor and Greater London Authority.

Margaret Gilmore is a freelance writer, broadcaster and analyst whose previous roles at the BBC include senior home affairs correspondent and award winning work as an environment and agriculture correspondent.

Clive Grundy is a senior manager whose thirty-year career has included important roles at companies such as Grand Metropolitan and Compass Group. He has held a number of senior management positions in the manufacturing and service sectors. He was human resources director on the plc Board at Compass where he was responsible for board level strategy design, food safety health and hygiene, corporate responsibility and human resources.

The appointments of Clive Grundy and Professor Sue Atkinson CBE came into effect from 1 February 2008, and Margaret Gilmore from 1 March 2008. They have been made in accordance with the guidance issued by the Office of the Commissioner for Public Appointments (OCPA).

New Packaging Waste Targets for 2008 and thereafter

Defra recently carried out a consultation exercise on increased recycling targets for packaging waste for 2008 (and thereafter), by amendment to the Producer Responsibility Obligations (Packaging Waste) Regulations 2007.

For the consultation, Defra claimed that analysis of the most recently available data for packaging material flows suggested that the existing national targets were no longer sufficient to ensure that the UK will meet the 2008 requirements of European Directive 94/62/EC.

Increases were therefore proposed for some of the material specific targets for 2008. **Substantial increases were proposed for glass, aluminium and steel, with a more modest increase proposed for plastic. No increase was proposed for paper or wood.**

Further increases across all materials were then proposed, firstly for 2009 and 2010 (to match the period covered in the existing packaging waste regulations), and secondly for 2011 and 2012 - giving the five-year targets that industry is said to want.

Following the consultation, new targets have now been agreed by Government and have been published as the **Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2008 (SI 2008 No 413)**. Copies can be found on the OPSI website at <http://www.opsi.gov.uk/si/si200804>, together with the associated Explanatory Memorandum. These Regulations apply to Great Britain; similar Regulations will be made in Northern Ireland.

Increases are now being implemented for the years 2008, 2009, and 2010 which are largely in line with those proposed in the consultation, except that

(i) the increased target for glass in 2008 is slightly lower than that proposed in the consultation

(ii) the increased target for aluminium in 2008 is well below that proposed in the consultation, but the target increases to the full level proposed in the consultation by 2010

(iii) the overall recovery target for each of the three years is significantly higher than that proposed in the consultation - 72% for 2008, compared to 69% proposed in the consultation, and 68% in the existing regulations, with similar differences for 2009 and 2010

| | Current Targets | | | Consultation Preferred Option | | | New Agreed Targets | | |
|-----------|-----------------|-------|-------|-------------------------------|-------|-------|--------------------|-------|-------|
| | 2008 | 2009 | 2010 | 2008 | 2009 | 2010 | 2008 | 2009 | 2010 |
| Paper | 67.5% | 68.0% | 69.0% | 67.5% | 68.5% | 69.5% | 67.5% | 68.5% | 69.5% |
| Glass | 73.5% | 74.0% | 74.5% | 78.5% | 80.0% | 81.0% | 78.0% | 80.0% | 81.0% |
| Aluminium | 32.5% | 33.0% | 33.5% | 38.0% | 39.0% | 40.0% | 35.0% | 38.0% | 40.0% |
| Steel | 58.5% | 59.0% | 59.5% | 68.0% | 68.5% | 69.0% | 68.0% | 68.5% | 69.0% |
| Plastic | 24.5% | 25.0% | 25.5% | 26.0% | 27.0% | 29.0% | 26.0% | 27.0% | 29.0% |
| Wood | 20.5% | 21.0% | 21.5% | 20.5% | 21.0% | 22.0% | 20.5% | 21.0% | 22.0% |
| Recovery | 68.0% | 69.0% | 70.0% | 69.0% | 70.0% | 71.0% | 72.0% | 73.0% | 74.0% |

The government has not taken forward its consultation proposal to set further increased targets for 2011 and 2012.

European Directive 94/62/EC (as amended) requires that, no later than 31 December 2008:

- 60 % as a minimum by weight of packaging waste will be recovered or incinerated at waste incineration plants with energy recovery;
- between 55 % as a minimum and 80 % as a maximum by weight of packaging waste will be recycled;
- minimum recycling targets for materials contained in packaging waste will be attained:
 - 60 % by weight for glass;
 - 60 % by weight for paper and board;

- 50 % by weight for metals;
- 22,5 % by weight for plastics (exclusively material that is recycled back into plastics);
- 15 % by weight for wood.

Originally it was expected that the Commission would set targets for a further five-year period, 2009-2014, but in a report to the Council and the Parliament in December 2006 (COM(2006) 767 final) the Commission decided that it was premature to propose new recycling and recovery targets.

"It is therefore considered that the levels of the targets decided in Directive 2004/12/EC should remain valid well beyond 2008."

Revised UK National Control Plan published

The Food Standards Agency and the four Agriculture/Rural Affairs Departments in the UK have recently reviewed the UK's National Control Plan, and a revised version has been published. The purpose of the plan is to ensure that effective control systems are in place for monitoring and enforcing feed and food law, animal health and welfare rules, and plant health law.

The plan, which is a requirement of EU Regulation 882/2004 on official controls, covers the period January 2007 to March 2011

Regulation 882/2004 requires that plans be kept under review and revised regularly and it has been agreed to do this every six months. The second review of the UK Plan has recently been completed. No substantive amendments have been made as a result but the Plan has been updated to reflect organisational and legislative changes etc.

Full details are available from the FSA website at <http://tinyurl.com/y5q8rh>

UK regains FMD-free status

The World Animal Health Organisation (OIE) Scientific Commission has officially declared that the UK has regained freedom from FMD without vaccination, following a three-month disease-free period.

OIE rules allow countries to apply to regain their official FMD-free status provided that there has been a three-month disease free period, since the last confirmed case. No further cases of FMD have been identified in the UK since 30 September 2007.

Defra reports that "comprehensive information setting out a robust case for official disease freedom, supported by detailed surveillance information, was provided to OIE on 31 December 2007."

"The OIE declaration marks the next step towards strengthening the UK's position for lifting the FMD-related import ban on agricultural commodities in non-EU countries. Normal intra-EU trade was resumed on 31 December."

Import of beef from Brazil

Action has been taken by the European Commission to restrict imports of beef from Brazil.

This follows a number of inspection missions to Brazil in recent years by the European Commission's Food and Veterinary Office (FVO), during which deficiencies with regards to Community import requirements for bovine meat have been identified. Some of these deficiencies have been addressed by Brazil, but recent Commission missions have identified serious instances of non-compliance with regard to holding registration, animal identification and movement control and a failure to respect their previous commitments to take the appropriate corrective measures.

The Commission decided that it is only possible to allow imports of meat to continue on a secure basis by strengthening the control and surveillance of holdings and by establishing a list of such approved holdings. Guarantees will have to be provided that the holdings meet requirements for imports into the EU of fresh deboned and matured meat.

Commission Decision 2008/61/EC amending Council Decision 79/542/EEC therefore imposed additional certification requirements on beef from Brazil. The new rules were to apply from 31 January, although consignments for which veterinary certificates were already issued and which were en route to the Community at that date may be imported into the Community until 15 March 2008.

The new rules affect imports of deboned and matured fresh meat. Minced meat and meat preparations derived from bovine animals must be produced from meat meeting the above requirements.

Meat products heat-treated to at least 80°C and imported in accordance with the requirements of Commission Decision 2007/777/EC (or Decision 2005/432/EC) are not affected by these rules.

Defra has issued a further Customer Information Note (API/08/28) which updates the situation following the coming into force of the new requirements [available from <http://tinyurl.com/2fptn9>]

"We understand the Brazilian authorities have provided the Commission a list of over 2,600 holdings. We understand that the Commission is concerned about the number of holdings Brazil claims to have inspected in such a short period of time and therefore the list is not being published. This means Brazil cannot currently slaughter animals for export of beef to the EU."

"A further Commission inspection will go to Brazil at the end of February to inspect some of the farms that have been put forward. Imports from Brazil of beef from animals slaughtered after 31 January are effectively banned at least until after the outcome of this latest inspection."

Third countries approved for import of fishery products

A Commission Decision has recently been published that introduces some changes to the list of third countries from which fishery products and bivalve molluscs may be imported.

- o **Commission Decision of 18 February 2008 amending Decision 2006/766/EC as regards the list of third countries and territories from which imports of fishery products in any form for human consumption are permitted (2008/156/EC)**

Commission Decision 2006/766/EC of 6 November 2006 lists those third countries which satisfy the criteria referred to in Regulation (EC) No 854/2004 and are therefore able to guarantee that those products exported to the Community meet the sanitary conditions laid down to protect the health of consumers.

Annex II of Decision 2006/766 lists the third countries and territories from which imports of **fishery products** in any form for human consumption are permitted.

Armenia is currently listed in that Annex but only for imports of 'live non-farmed crayfish'. A Commission inspection carried out in that country in March 2007 showed that the relevant sanitary requirements for heat-processed and frozen non-farmed crayfish are met. Therefore, the listing for Armenia should be extended to also include heat processed non-farmed crayfish and frozen non-farmed crayfish.

Montenegro, which is currently listed in Annex II to Decision 2006/766/EC but only for imports of 'whole fresh fish from wild seawater catches', has provided scientific information and submitted an additional application for the approval of imports of freshwater crayfish from that third country. The current limitation should therefore be deleted. Imports of fishery products should be authorised.

Bosnia and Herzegovina is currently not listed in Annex II to Decision 2006/766/EC. A Commission inspection to that country was carried out from 29 August to 2 September 2005. It has been proven that the competent authorities have provided all necessary guarantees to satisfy the relevant sanitary conditions. Bosnia and Herzegovina should therefore be included in the list of third countries from which Member States may authorise imports of fishery products.

Bulgaria and Romania are currently listed in Annex II to Decision 2006/766/EC. However, as the list refers only to third countries, the application of those entries ceased upon their accession to the European Union. The listings for those two Member States should therefore be deleted.

Annex I of Decision 2006/766 lists the third countries from which imports of **bivalve molluscs, echinoderms, tunicates and marine gastropods** in any form for human

consumption are permitted.

Footnote 6 of Annex II referring to **Morocco** concerns additional requirements for certain processed bivalve molluscs. For reasons of consistency, it is therefore appropriate to move those requirements to Annex I.

The new Decision was published in the Official Journal L50/66 on 23. February. It applies from 1 March, 2008. Copies may be obtained from the EurLex website at <http://tinyurl.com/2ujh9q>

Copies of Decision 2006/766 may also be obtained from the EurLex website at <http://tinyurl.com/3xcyj4>

EFSA advice on setting nutrient profiles

Regulation 1924/2006 on Nutrition and Health Claims on Foods foresees in Article 4 that the European Commission shall establish (by 19th January, 2009) specific nutrient profiles that foods or certain groups of foods must respect in order to bear nutrition and health claims.

The European Commission requested the European Food Safety Authority (EFSA) to provide relevant scientific advice for the setting of nutrient profiles. Advice has now been provided in the form of a Scientific Opinion from EFSA's Panel on Dietetic Products, Nutrition and Allergies.

- o **The setting of nutrient profiles for foods bearing nutrition and health claims pursuant to Article 4 of the Regulation (EC) No 1924/2006** (Request N° EFSA-Q-2007-058): adopted on 31 January 2008

The full Scientific Opinion is available from the EFSA website at <http://tinyurl.com/3d86y8>, together with a four-page Summary version

The Summary document notes that "Foods promoted with claims might be perceived by consumers as having a nutritional, physiological or other health advantage over similar or other products without claims. The use of nutrient profiles aims to avoid a situation where nutrition or health claims could mislead consumers as to the overall nutritional quality of a food product when trying to make healthy choices in the context of a balanced diet."

"In preparing its scientific advice to the Commission, the Panel reviewed a wide range of reports and papers on nutrient profiles and considered views from stakeholders."

[The Annex to the Opinion provides examples of different nutrient profiling schemes]

"In addition to this Opinion, EFSA will continue to assist the European Commission in establishing a nutrient profile scheme, by developing a suitable food composition database and providing advice on its use in testing any proposed system."

The Conclusion from the full opinion is reproduced below:

CONCLUSIONS

'Nutrient profiling' is the classification of foods for specific purposes based on their nutrient composition. In this opinion, the purpose is solely for the regulation of nutrition and health claims made on foods.

When classifying food products as eligible to bear claims, the potential of the food to adversely affect the overall dietary balance is the main scientific consideration.

This consideration relates in particular to nutrients for which there is evidence of a dietary imbalance in EU populations that might influence the development of overweight and obesity or diet-related diseases such as cardiovascular disease or other disorders; they include nutrients that might be consumed to excess, as well as those for which intake might be inadequate.

The Regulation requires that the setting of nutrient profiles should take into account the dietary role and importance of food groups and their contribution of nutrients to the overall diet of the population (or specific population groups). Food groups with important dietary roles include vegetable oils, spreadable fats, dairy products, cereals and cereal products, fruits and vegetables and their products, meat and meat products, fish and fish products, and non-alcoholic beverages. The different dietary roles of such food groups are recognised in food based dietary guidelines in Member States, which also make distinctions between different products within these food groups based on their potential to influence, beneficially or adversely, the overall dietary balance for certain nutrients. The dietary roles of these food groups might differ across Member States owing to the variability of dietary habits and traditions and the Regulation requires that this variability be taken into account in establishing nutrient profiles.

Nutrient profile schemes for food in general and category-based schemes each have advantages and disadvantages. The Panel considers that a nutrient profile for food in general with exemptions from this general profile, if necessary, for a limited number of food groups that have important dietary roles (one option outlined in the Terms of Reference) might overcome the main disadvantages of these two types of schemes. Such exemptions would ensure that some food products in these food groups may be eligible to bear claims. Such exemptions might be based on the use of different nutrients, thresholds or scores.

The Panel recommends that the choice of nutrients to be included in nutrient profiles should be driven by their public health importance for EU populations. These nutrients include saturated fatty acids, sodium, dietary fibre and unsaturated fatty acids, intakes of which generally do not comply with nutrient intake recommendations in many Member

States. Unsaturated fatty acids might not be needed if saturated fatty acids are included. The use of dietary fibre might be limited to certain food groups that are important dietary fibre sources and for which the use of dietary fibre to discriminate between food products would be most relevant, e.g. cereal products. Trans fatty acids might be included for some food groups but are of decreasing public health importance as intakes in the EU have declined considerably. Total sugar content might be included for particular food groups, e.g. beverages, and foods that might be consumed with a high frequency, such as confectionery products. Depending on the scheme adopted, energy density or total fat, as well as other nutrients, might also be considered. However, the total number of nutrients included would have to be limited to avoid overly complex nutrient profiles.

For the use of different reference quantities as well as the choice of threshold or scoring system, the Panel has outlined the advantages and disadvantages of each, and has recommended that these should be based on pragmatic considerations related to the needs of the particular nutrient profile scheme.

The testing of the suitability of a nutrient profile scheme to classify foods appropriately as being eligible to bear nutrition and/or health claims requires a database of energy and nutrient contents of a range of foods (as purchased) on the EU market. **The main scientific consideration for judging whether food products are classified appropriately is their potential to adversely affect the overall dietary balance for nutrients of public health importance. In practice, it is easier to assess the classification of a food in relation to other foods in the same group, i.e. whether a food is more or less likely to adversely affect the overall dietary balance than other foods in the same food group.** The dietary role and importance of the food group, allowing for the variability in dietary habits and traditions across different Member States, must also be taken into account in order to ensure that some products in food groups that have important dietary roles can bear nutrition and/or health claims. In addition, the classification of foods as being eligible to bear nutrition and/or health claims should be consistent with food based dietary guidelines established in Member States, albeit it is recognised that such guidelines are not uniform across countries. **In addition to scientific considerations, other issues that must be taken into account by the European Commission include the need to allow for product innovation and the feasibility and ease of use of the nutrient profile scheme.**

The Panel recognises the scientific limitations intrinsic in the use of nutrient profiles to classify foods as eligible to bear claims and the need for expert judgement to be applied. There is an inherent difficulty in seeking to apply to individual food products nutrient intake recommendations that are

established for the overall diet. Furthermore, the potential of food products (as purchased) to affect adversely the overall dietary balance does not take into account changes in nutrient content that occur during cooking or preparation, such as addition of fat, sugar or salt, nor does it take into account the habitual intake of the food or the pattern of consumption. In addition, the lack of uniform data for food composition and food consumption across the EU, as well as differences in nutrient recommendations and food based dietary guidelines between Member States, makes it more difficult to set nutrient profiles at EU level than at national level. The basis for expert judgements needed to address such limitations should be transparent in order to avoid variable outcomes.

Combating food fraud seminar

The Food Standards Agency recently held a seminar on food authenticity and the analytical tools that can detect fraud. Copies of the presentations given at the seminar are available from the FSA website at www.food.gov.uk/news/newsarchive/2008/feb/seminar

- o Basmati rice authentication using DNA markers
- o Detecting species of origin of milk used in production of mozzarella cheese
- o Detecting the substitution of organic crops with conventional produce
- o FSA work to tackle food fraud
- o Future developments in the Authenticity Programme
- o Methods to combat food fraud: a German perspective
- o Profiling tools to check authenticity and prevent fraud
- o Public Analysts' role in preventing food fraud
- o The proteomic detection of offal in meat products
- o Use of a specification approach for determining geographical origin
- o Using metabolomics and proteomics to prevent fraud

Consumer Attitudes Survey

The FSA has published its eighth annual **Consumer Attitudes to Food Survey**. The Agency says that the survey points to increased confidence among the public in the food they are consuming and to wider food issues.

According to the FSA's news release, highlights of the latest survey relating to **food safety** include:

- o A decrease since 2006 in concern over many food

safety issues including additives (35% down from 38%), food poisoning (36% down from 42%), GM foods (20% down from 25%)

- o Food labels remain important to shoppers looking for a range of information such as 'best before' dates, allergy advice and additives in foods. Half of respondents said they check some form of labelling information when buying food
- o **Almost half of respondents in the survey did not know the difference between 'use by' and 'sell by' dates on food**
[The footnote to the press release actually refers to **use-by dates** (55% correctly identified the correct meaning) and **best before dates** (51% correctly identified the correct meaning). The reference to 'sell by' dates in the main text may indicate that there is even some confusion at the FSA level]

Highlights relating to **diet and nutrition** include:

- o More than three quarters (78%) of consumers are now aware that we should be eating at least five portions of a variety of fruit and vegetables each day and 58%, also an improvement on last year, claimed to be putting this into practice by eating at

least '5-a-day'

- o The amount of fat, saturated fat, salt and sugar in foods are still the top issues of concern among consumers and the quantity of fat and salt are the most commonly checked for nutritional information on labels. However, the percentage of people who are concerned about these is slightly down since 2006 - fat to 40% from 46%, saturated fat to 37% from 44%, salt to 50% from 54% and sugar to 39% from 43% in 2006
- o Nine out of ten respondents claimed that healthy eating is important to them, and 87% also believed that a limited budget is not a barrier to healthy eating, with those aged over 50 more likely to agree with this sentiment than any younger age group

The latest wave of the Consumer Attitudes Survey was conducted between August and October 2007. A total of 2,627 people were interviewed.

The full survey can be found on the FSA website at www.food.gov.uk/news/pressreleases/2008/feb/cas2007ukpr

Note: TinyURLs™ are used in this newsletter to replace some long web addresses. This will help readers in obtaining further information from the websites concerned.

For more about TinyURL™ ('Making long URLs usable'), visit <http://tinyurl.com/>. TinyURL was created as a free service to make posting long URLs easier, and is a trademark of Gilby Productions

Members of the British Frozen Food Federation requiring further information about any item in this newsletter should contact:

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