

British Frozen Food Federation



T&L update 50

October 2008

All reasonable care is taken in the preparation of this newsletter, but no liability is accepted for any loss or damage caused to any person, company or organisation relying on any statement or omission in the contents

C o n t e n t s

New European Regulation on IUU fishing 2

New regulation 'to prevent, deter and eliminate illegal, unreported and unregulated fishing' enters into force on 1 January 2010 - includes additional catch certification requirement for products imported from third countries

ODS Regulation: HCFC (R22) Phase-Out 5

Members still using HCFC refrigerants (notably R22) are reminded that a critical period is fast approaching, as new restrictions on the use of HCFCs for maintenance and servicing of refrigeration systems take effect

Proposed food information regulation 5

Progress report on the EU Commission's proposed regulation

FSA's Signpost Labelling Evaluation 7

Qualitative phase of the independent evaluation has been completed - the main quantitative stage now follows, with fieldwork due to be completed by the end of the year

Conservatives reject traffic light labelling 7

The Shadow Secretary of State for Health has rejected compulsory front-of-pack traffic light labelling

Food Matters: Towards a Strategy for the 21st Century 8

Cabinet Office report sets out future strategic framework for food policy and practical measures for addressing issues around food and health, food and the environment

FSA provides a useful summary of its involvement in various projects and the progress that has been made so far

Reports from IGD's Industry Nutrition Strategy Group 9

- Portion Size: A Review of Existing Approaches
- Saturated Fat Communication: Enabling Consumers to Make Informed Choices

Genetic Modification and Food 10

Revised and updated Information Statement on Genetic Modification and Food from IFST

Food Law Code of Practice 10

The Food Law Code of Practice for Northern Ireland has been updated.

A consultation is underway to update the Code for Scotland

FSA Approach to Sustainable Development in Policy Making 11

The FSA has been considering its approach to sustainable development in policy making. A Statement of Approach has been endorsed by the FSA Board

Consultation on EFSA's Strategic Plan 12

EFSA is seeking comments on its draft Strategic Plan for the period 2009-2013

Public consultation on potential risks arising from Nanoscience and Nanotechnologies 12

EFSA has launched a public consultation on its draft scientific opinion on the potential risks arising from nanoscience and nanotechnologies on food and feed safety and the environment

FSAI report on nanotechnology 14

Report from the Food Safety Authority of Ireland on nanotechnology and its potential future applications in relation to food and food packaging

Green Paper on agricultural product quality 15

European Commission 'Green Paper' on agricultural product quality is now the subject of a public consultation exercise

LACORS labelling advice 15

- Freezing Down of Chilled Products and Use By Dates
- Added meat stock in meat products
- Saturates claims as applied to fat spreads
- Ingredient listing of fruit puree

Approved establishments in the UK 17

FSA website now carries much extended listings of approved establishments in the UK, for easy examination or downloading - includes fishery products and bivalve molluscs

Survey of process contaminants 17

FSA study of four process contaminants in UK food products - acrylamide, furan, 3-MCPD and ethyl carbamate.

Reducing the food chain's role in greenhouse gas emissions 18

Report from the Food Climate Research Network

REACH 18

Overview of the new European Community Regulation on chemicals and their safe use (Registration, Evaluation, Authorisation and Restriction of Chemical substances), Includes links to guidance for downstream users.

Incident prevention strategy 20

FSA publishes 'Incident Prevention Strategy to 2010', following consultation. Also has a new website section to bring together information and guidance on incidents

New European Regulation on IUU fishing

"Illegal, unreported and unregulated (IUU) fishing is a worldwide phenomenon. Its extent and its environmental, economic and social consequences are such that it has become a priority issue at international level. IUU fishing contributes to the depletion of fish stocks worldwide and jeopardises protection and recovery measures put in place to ensure the viability of resources. It represents unfair competition for those who exploit fish resources legally. As a result, it has harmful repercussions on the activity and economic and social well-being of these fishermen, prompting them, in turn, to disregard the rules. The impact of IUU fishing is such that it causes significant harm to the economic activities of EU fishermen and can also threaten the very survival of coastal communities in developing countries."

[DG Fisheries website]

The EU has finalised a new regulation 'to prevent, deter and eliminate illegal, unreported and unregulated fishing'.

- Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999

The Council of Ministers adopted the regulation at the Agriculture and Fisheries meeting held on 29-30 September 2008, and it was published in the Official Journal on 29 October (L286/1).

The text can be downloaded from the Eur-Lex website at <http://tinyurl.com/6qko89> (or download directly as <http://tinyurl.com/5ub6sd>).

More information is available on the **DG Fisheries website** at <http://tinyurl.com/2edmx2>. This includes the associated Commission statements from the Council minutes (document reference 13139/08 ADD1 REV1), which can also be downloaded directly as <http://tinyurl.com/5fzutc>

The report of the Council meeting notes that the purpose of this Regulation is to ensure the sustainability of fish stocks and improve the situation of Community fishermen exposed to unfair competition from illegal products, but also to meet consumers' demand for sustainable and fair fishery products.

It also seeks to halt the import of IUU fishery products into the European Union by introducing measures which cover the entire supply chain (fishing, transshipment, processing, landing and marketing), "from the net to the plate". Its main points are:

- introduction of an EU "blacklist" of non-complying vessels, together with detailed rules for compiling

that list, the implications of being blacklisted, and, in certain cases, the consequences for third countries which harbour such vessels;

- establishment of a certification scheme covering all imports of fishery products with the exception of products from inland fisheries and aquaculture;
- approximation within the EU of the levels of sanctions for serious infringements: i.e. a maximum fine of at least five times the value of the fishery products obtained by committing the serious infringement.

The Regulation will enter into force on 1 January 2010. Until then, the Commission will establish implementing rules to ensure an efficient implementation of the Regulation.

The Commission also intends to assist third countries in the implementation of the Regulation and an Action Plan is currently being finalised to particularly assist developing countries in this process.

At the heart of the Regulation, and of major significance for importers of fishery products from third countries, is the catch certification scheme.

At a meeting with Diplomatic Missions (from third countries) in Brussels on 13 October, the Commission highlighted the main features of the catch certification scheme in the following terms.

[A copy of the Commission presentation is available from the DG Fisheries webpage above]

The catch certification scheme

- All marine fishery products traded with the EC, including processed products, shall be accompanied by validated catch certificates
- Appropriate flag State authority of the fishing vessel(s) which made the catches will validate the catch certificate
- The validation must certify that the catch was made in accordance with applicable laws, regulations and international conservation and management measures
- Electronic means can be used for the implementation for the catch certification scheme
- The scheme may also take into account alternative control systems

Indirect importation

- In order to ensure full traceability, the certification scheme also applies to situations where the imported fishery products originate from another country than the flag State. As a result:
 - products (processed or unprocessed) which are traded to another third country before reaching the EC must also be accompanied by validated catch certificates; and,

- documented evidence that the products did not undergo any operations other than unloading, reloading or any operation designated to preserve them in good and genuine condition is required

Indirect importation of processed products

- Where products are processed in a country other than the flag State the importer shall submit a statement established by the processing plant:
 - giving an exact description of the products;
 - indicating that the products originated from catches accompanied by catch certificate (and a copy of those catch certificates).
- These documents may be communicated by electronic means

Other recognised schemes

- Catch certificates, re-export certificates and related documents validated in conformity with catch documentation schemes adopted by RFMOs and which comply with the requirements of this Regulation may be accepted for the species concerned
[RFMO = regional fisheries management organisation]
- The list of such documentation schemes shall be determined by the Commission

Exportation of catches from EC vessels

Catches from EC fishing vessels shall also be subject to the validation of catch certificates by competent Member State authorities prior to exportation since:

- It will ensure traceability of all fishery products traded with the Community;
- It will enable processing plants in third countries to export its processed products back to the Community; and
- It is a non-discriminatory instruments which seeks to prevent all trade of IUU products to/from the Community

The DG Fisheries web page also includes additional useful explanatory papers for downloading (<http://tinyurl.com/2edmx2>):

- Information note
- Technical note
- International cooperation
- Reform of the Community Control Regime

The Commission states clearly that prior to the date of application of the Regulation (January 2010), guidelines on the implementation of the catch certification scheme will be provided and published in order to ensure an easy access to all interested parties and the public in third countries and in the Member States.

The Commission also makes clear that other documentary requirements in respect of fishery products are not affected in any way by this new regulation

"Other legislation which implies the application of certification exists with regard to fishery products (such as health regulations, rules of origin) remains without effecting this Regulation and vice-versa.

"The existence of a health approval granted for an establishment or a vessel or an origin certificate do not infer that the fishery products comply with conservation and management rules. Adversely, the documents introduced by the certification scheme will not be substitutes for health certificates and/or certificates of origin."

Importers of product from third countries should pay particular attention to Article 14 of the regulation which reads as follows:

Article 14 Indirect importation of fishery products

1. In order to import fishery products constituting one single consignment, transported in the same form to the Community from a third country other than the flag State, the importer shall submit to the authorities of the Member States of importation:

- (a) the catch certificate(s) validated by the flag State, and
- (b) documented evidence that the fishery products did not undergo operations other than unloading, reloading or any operation designed to preserve them in good and genuine condition, and remained under the surveillance of the competent authorities in that third country.

Documented evidence shall be provided by means of:

- (i) where appropriate, the single transport document issued to cover the passage from the territory of the flag State through that third country; or
- (ii) a document issued by the competent authorities of that third country:
 - giving an exact description of the fishery products, the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used, and
 - indicating the conditions under which the fishery products remained in that third country.

Where the species concerned are subject to a regional fisheries management organisation catch documentation scheme which has been recognised under Article 13, the documents referred to above may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country has fulfilled its notification requirements accordingly.

2. In order to import fishery products constituting one single consignment and which have been processed in a third country other than the flag State, the importer shall submit to the authorities of the Member State of importation a statement established by the processing plant in that third country and endorsed by its competent authorities in accordance with the form in Annex IV:

(a) giving an exact description of the unprocessed and processed products and their respective quantities;

(b) indicating that the processed products have been processed in that third country from catches accompanied by catch certificate(s) validated by the flag State; and

(c) accompanied by:

(i) the original catch certificate(s) where the totality of the catches concerned has been used for the processing of the fishery products exported in a single consignment, or

(ii) a copy of the original catch certificate(s), where part of the catches concerned has been used for the processing of the fishery products exported in a single consignment.

Where the species concerned are subject to a regional fisheries management organisations catch documentation scheme which has been recognised under Article 13, the statement may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country of processing has fulfilled its notification requirements accordingly.

3. The documents and the statement set out in paragraphs (1)(b) and (2) of this Article respectively may be communicated by electronic means within the framework of the cooperation laid down in Article 20(4).

Approved Economic Operators

The Regulation also allows for the granting of 'approved economic operator' status to qualifying importers, for whom a simplified procedure will be available in respect of the presentation of validated catch certificates. The criteria for granting the status of approved economic operator to an importer by the competent authorities of a Member State shall include:

(a) the establishment of the importer on the territory of that Member State;

(b) a sufficient number and volume of import operations to justify the implementation of the procedure referred to in paragraph 2;

(c) an appropriate record of compliance with the requirements of conservation and management measures;

(d) a satisfactory system of managing commercial and, where appropriate, transport and processing records, which enables the appropriate checks and verifications to be carried out for the purposes of this Regulation;

(e) the existence of facilities with regard to the conduct of those checks and verifications;

(f) where appropriate, practical standards of competence or professional qualifications directly related to the activities carried out; and

(g) where appropriate, proven financial solvency.

The Commission notes that by derogation to the general rule, Community importers benefiting from "approved economic operators" status will not be obliged to submit the validated catch certificates to the competent authorities of the importing Member State prior to the anticipated arrival of the consignment concerned.

"However, they will have to inform these authorities of the arrival of the products in the same manner as other operators and to hold at their disposal the catch certificates and other relevant documents for the purpose of checks or verifications."

"The fact that a Community importer is an "approved economic operator" or not is not of any relevance to exporters."

Excluded products

The regulation will apply to "fishery products" defined generally with reference to the Customs Combined Nomenclature, to include any products which fall under Chapter 03 and Tariff headings 1604 and 1605.

However, a number of specific products are excluded from the scope of the regulation, listed in Annex I.

Excluded products include:

- Freshwater fishery products
- Aquaculture products obtained from fry or larvae
- Oysters, live
- Scallops including queen scallops, of the genera *Pecten*, *Chlamys* or *Placopecten*, live, fresh or chilled
- Coquilles St Jacques (*Pecten maximus*), frozen
- Other scallops, fresh or chilled
- Mussels
- Prepared and preserved molluscs

The Commission has undertaken to review annually the list of fishery products contained in Annex I, and will seek to exclude from the scope of the Regulation fishery products with the following characteristics:

- minimal trade with the Community or low sensitivity to non compliance with conservation and management measures and absence of risk of their use for circumvention practices.

Ozone Depleting Substances Regulation HCFC (R22) Phase-Out

Members who are still using HCFC refrigerants (most notably R22) are reminded that a critical period is fast approaching, as new restrictions on the use of HCFCs for maintenance and servicing of refrigeration systems take effect.

Regulation (EC) No 2037/2000 on Ozone Depleting Substances (ODS) came into force on 1 October 2000. The regulation banned the use of HCFCs in new equipment from 2001 or 2004, but HCFCs have continued to be used in many applications.

The next stage towards the eventual complete phase-out of HCFCs in the EU will see a ban on the use of virgin HCFCs after 31 December 2009 for the maintenance and servicing of refrigeration and air conditioning equipment.

It will still be possible to use reclaimed or recycled material after December 2009, but the availability (and price) of such material is uncertain and impossible to forecast. Stockpiling of virgin material is not an option, as the ban is on the use of such material.

The final stage of the phase-out will see a complete ban on the use of all HCFCs, including reclaimed/recycled product, in place by 1 January 2015.

R22 is by far the most common HCFC in use in the food sector, but there are a number of other HCFC-containing refrigerants - whether pure fluids, or blends (including blends of HCFCs with HFCs).

A number of options are available, depending on the specific circumstance, and there is relevant guidance available:

- **Guidance on R22 Phase out for owners of equipment (Guidance Note 15) from the Institute of Refrigeration** - available from the IoR website at <http://tinyurl.com/6yec2a>
- **BRA Factfinder No 14 - R22 and HCFC phase out, from the British Refrigeration Association** (a trade association for companies involved in all aspects of refrigeration).

This is available from the ACRIB website, at www.acrib.org.uk/. For the BRA Factfinder, follow links for 'Legislation Guidance' and 'Legislation Updates', or download directly as <http://tinyurl.com/5hoknk>

- **Guide 4 - R22 Phase Out and F-Gas Regulations, one of five guides resulting from a Carbon Trust Networks Project (Food & Drink Industry Refrigeration Efficiency Initiative).** This is available from the IoR website, <http://tinyurl.com/yvhmbk>, or download directly as <http://tinyurl.com/589puw>
- **Refrigeration & Air Conditioning CFC and HCFC**

Phase Out: Advice on Alternatives and Guidelines for Users. This original government guidance is still available and can be downloaded directly from the BERR website <http://tinyurl.com/6cwrwx>

- **'Wake up 2 phaseout'** website, a DuPont Europe initiative, at www.wakeup2phaseout.eu/

Readers should note that the ACRIB website is a very useful source for information to keep up-to-date with developments in this area. ACRIB (the Air Conditioning and Refrigeration Industry Board) provides a central forum for all sectors and interests which fall within or are served by the air conditioning and refrigeration industry. Its member organisations (including BFFF) represent manufacturers, distributors, contractors, consulting engineers, specifiers, end users, training providers, researchers and others with a direct interest in the environmentally friendly and cost effective provision and use of refrigeration, air conditioning and mechanical ventilation equipment.

Readers should also be aware that the European Commission has issued its long awaited proposal to revise and recast the current regulation (2037/2000) on substances that deplete the ozone layer. **No change is proposed to the long-established phase-out schedule**, but the proposal does include some elements that will affect the use of recycled and reclaimed material from 2010. Full details are available on the DG Environment website at <http://tinyurl.com/6ztw7h>

- Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Completing the phase-out of substances that deplete the ozone layer (COM(2008) 505 final - Part 1)
- Proposal for a Regulation of the European Parliament and of the Council of [...] on substances that deplete the ozone layer (COM(2008) 505 final - Part 2)
- Impact Assessment Accompanying the Proposal for a Regulation of the European Parliament and Council on Substances that Deplete the Ozone Layer (Recast) - Commission Staff Working Document (SEC (2008) 2366 final)

Proposed food information regulation

The EU Commission's proposal for a food information regulation is being dealt with under the EU's co-decision procedure, requiring consideration and agreement by both European Council and European Parliament.

European Parliament

The Environment, Public Health and Food Safety Committee (ENVI) is the Parliament's lead committee. The proposal has not yet been scheduled for discussion in the Committee, but the Rapporteur (Renate Sommer

EPP-DE) has organised a preliminary hearing to give the EU institutions, the French Presidency and representatives from consumer and industry associations the opportunity to present their views on this subject.

Following the expert hearing held at the end of August, the press release from the EPP-ED Group indicated that the conclusion drawn by the Rapporteur was that the future Regulation on food labelling must not lead to over-regulation in this sector but should instead provide simplified and manageable legislation.

"The discussion confirmed my opinion about this important topic that excessive information on food packaging serves neither the consumer nor the foodstuffs industry", stressed Sommer.

It noted that a number of important aspects still had to be discussed intensively within the framework of the hearing, in particular the legibility of nutritional value information, the labelling of non-prepacked food, indications of origin, as well as differing description systems.

"In this context, the debate has also shown that the Commission's demand for a minimum character size of three millimetres for the labelling is not feasible. Such a provision would lead to even larger packaging of many products, not taking into account multilingual labelling and the need to produce as few packaging material as possible", said the Rapporteur.

Furthermore, the so-called 'traffic light labelling' for food remains particularly disputed.

"Traffic light labelling would not only incapacitate consumers, but also mislead them", continued the German MEP. "It would for example mean that actually healthy dark bread will be marked as bad due to its content of salt, while the rather unhealthy white bread would get a green point. But this type of labelling cannot be in the interest of consumers".

The press release further noted that in her conclusion, Renate Sommer thus demanded to limit the information available on food packaging to the really substantial. This would also be an important contribution to maintain differing eating habits in different regions, which form an important part of European culture.

There will also be formal opinions from two other Parliamentary committees - the Committee on the Internal Market and Consumer Protection (IMCO), and the Committee on Agriculture and Rural Development (AGRI). Initial discussions have already started in these two committees.

The tentative schedule for the European Parliament indicates report adoption in the ENVI committee in early 2009, with consideration in the full Parliament possibly in March 2009.

European Council

The Food Standards Agency has also provided update reports from Council Working Group meetings held during September and at the beginning of October.

Initial discussions on nutrition labelling aspects of the proposal covered

- form and content of the Nutrition declaration
- whether nutrition labelling should be voluntary or mandatory.
- which nutrients should form part of the nutrition declaration.
- where on pack the declaration should appear.
- the form of expression of the declaration (per 100g/ml or per portion)
- whether %RIVs should form part of the declaration
- the proposed reference intake values
- the values for significant amounts for labelling vitamins and minerals
- appropriate entry into force periods
- the basis on which nutrition labelling information should be provided

The FSA reports that there remains general support from Member States for some form of mandatory nutrition declaration, although discussion continues on the exact form and content, and location of nutrition information.

Member States confirmed their preference for mandatory per 100g/ml declarations with additional voluntary per portion and %RIV information and for EFSA to validate the RIV figures contained in the proposal to ensure they have the appropriate scientific basis.

On the issue of national schemes, the FSA reported that the majority of Member States expressed concern that national schemes could result in barriers to trade, increased monitoring and enforcement costs and a proliferation of schemes appearing on the market. A preference for harmonised action, possibly at a later date, was expressed by several delegations.

The Commission asked Member States to consider the implications of not having a national schemes provision (which goes wider than nutrition labelling) and noted that it would mean the future of labelling schemes and logos currently in use would be under threat and that it would prevent future innovation designed to help consumers make healthier dietary choices.

On general labelling issues, the FSA reports that progress was made with discussions focussing on technical amendments to the Commission text and calls for proposed amendments to the text from Member

States.

The main points of discussion were:

- technical amendments to the list of generic terms used in ingredients listings;
- the need for additional text to clarify the situation with regard to ingredients added to products with a EC defined composition e.g. cheese with herbs;
- the omissions from ingredient listing - there were some calls for all alcoholic drinks to be exempt from ingredient listings, but the group felt that there was need for further discussion on whether to exempt such drinks or not;
- allergen labelling - discussions focused on technical amendments to the text, but did not yet consider allergen information on loose foods;
- net quantity discussions - calls to allow the use of numbers/units etc. e.g. 5 sticks of chewing gum, and flexibility on the use of grams/litres for net quantities;
- date marking - calls for clearer definitions of 'best before' and 'use by' to aid correct application of these dates; and
- origin labelling - no consensus, but there was quite a lot of support for the proposal as drafted with some countries wishing extension of mandatory labelling for unprocessed products. There was not much support for a more proportionate approach.

FSA's Signpost Labelling Evaluation

The first phase of the independent signposting evaluation study has been completed and a report published. This first (qualitative) phase has considered how consumers use front of pack labels when in a retail environment and at home, and has explored whether having more than one scheme causes confusion.

Full details are available from the FSA website at <http://tinyurl.com/56tgd8>

The early qualitative research has helped to inform the methodology for the main quantitative stage of the evaluation which now follows, with the fieldwork due to be completed by the end of the year.

The full report of all the independent evaluation research work is expected to be available in spring 2009. A 12-week public consultation will then follow.

Conservatives reject compulsory traffic light labelling

In a recent speech to Reform, Andrew Lansley, the Shadow Secretary of State for Health proposed a 'Responsibility Deal' on public health, and outlined a number of important policy proposals, including the

rejection of any compulsory measures for front-of-pack traffic light labelling:

"As part of the national framework, we need to ensure that the corporate responsibility of business, and the ability of businesses to contribute to the promotion of healthier living, is fully and successfully engaged.

"Earlier this year, the Conservative Party set out the concept of a 'Responsibility Deal' - of how, instead of the constant and escalating resort to legislation and regulation and public sector intervention, we should instead enter into a non-bureaucratic partnership with the business community, together to tackle key challenges in society.

"Today, I propose that our second 'Responsibility Deal' should be on public health. I have invited Dave Lewis, Chairman of Unilever UK, to chair a working group of business representatives, voluntary groups and experts. Together, we will invite views on these proposals and hammer out the detail of the Deal.

"I am today making a number of policy proposals. Responding to these, I hope business will see the way forward clearly in partnership with the next Conservative Government. I even hope it will stimulate action now by Labour in their remaining months.

"Either way, I know that business wants and needs a lead and a clear way forward.

"Let me tell you, in brief, what my proposals for the Responsibility Deal are:

"1. We will support EU proposals for a mandatory GDA-based front of pack food labelling.

"We will not add UK regulation to this. Additional traffic-light or colour-coded information will be voluntary. Conservatives in Government will give backing for public awareness of GDAs and how they can be used to build a better diet and support enhanced nutritional information and awareness. We will focus on delivering an improved diet, not a narrow focus based on a fear of 'junk foods'. Government promotion and FSA promotion of 'traffic light' labelling will stop. For four years, I have argued for a GDA-based system. The Government's obsession with a traffic light system has blocked progress. Why on earth have consumers no single system to help them? Why can they see taxpayer-funded traffic light adverts on the side of a bus, and then not find them in their shop? Why push a system that only tells people a fraction of what they need to know?"

A full copy of the speech, including nine other policy proposals, can be found on the Conservatives website at <http://tinyurl.com/5cdssn>

Footnote: Reform describes itself as an independent, charitable, non-party think tank whose mission is to set out a better way to deliver public services and economic prosperity (more from www.reform.co.uk)

Food Matters

Towards a Strategy for the 21st Century

The Food Matters report from the Cabinet Office Strategy Unit was published in July. The report sets out a future strategic framework for food policy and practical measures for addressing issues around food and health, food and the environment, and other concerns.

The report is available from the Cabinet Office website at <http://tinyurl.com/6q449h>

The Food Standards Agency has provided a useful summary of its involvement in various projects identified in the report, and the progress that has been made so far. Some of these are new initiatives, while others encompass and build on existing work. The FSA identifies initiatives both where it is leading and where other government departments have the lead.

The summary was included in the report from FSA Chief Executive Tim Smith to the 17 September meeting of the Agency Board. The relevant extract from the report is reproduced below. Copies of the report can be found on the FSA website at <http://tinyurl.com/53xcab> (reference FSA 08/09/03)

"Food Matters" Update

Chief Executive's Report: September 2008 (extract)

"At the last Board meeting Andrew Jarvis delivered a presentation on the Food Matters project and the resulting report, which was published in July. I would now like to summarise the key projects on which the Agency is involved and the progress that has been made so far with these activities, some of which encompass and build on existing work while others are new initiatives."

"The Agency is leading on a number of key initiatives identified in the report, as follows:

- **Making it easier for consumers to access information on a healthy, low environmental-impact diet (FSA lead; new initiative)**

A small project team has been established to take forward this project to develop a one-stop shop for consumers containing Government advice on food. The first (scoping) phase will identify existing sources of consumer information and advice from other Government Departments (including their devolved equivalents), the gaps that exist in the current advice and potential conflicts between advice.

Qualitative consumer research has also been commissioned to explore the type of information consumers would want access to and how areas of conflict might be handled. A report containing the findings and outlining the proposed programme of work with resource requirements for the second phase is expected early in December.

- **Making it easier for consumers to make healthy**

choices when eating out (FSA lead; existing initiative)

In January this year, the Agency launched the first stage in this programme of work, with voluntary commitments from the UK's largest providers of workplace catering, and their major suppliers, for actions that will reduce levels of fat, salt and sugar in the meals they serve. In July, commitments from a further six workplace caterers were added. We will shortly be publishing progress updates from those companies whose commitments were published in January.

Discussions are also well advanced with the largest providers in the pub dining, family dining, and coffee & sandwich shop sectors. We are working with these companies to secure similar commitments for action, that build on the significant progress many have already made, and which we should be able to publish in the coming months.

We believe that restaurants, pubs and take-aways should do more to make nutritional information available to their customers. We will shortly begin a programme of consumer research to examine what approaches would be useful for consumers, and practical for a range of businesses.

- **A whole food chain approach to tackling food-borne illness (FSA lead; existing initiative)**

As you may recall from the paper that was presented to the Board in May, the aim of this project is to assess the public health and economic impact of food safety hazards and understand how different points in the food supply chain contribute to these risks. This will be used to inform high level risk management decisions by considering whether the resources and attention are focused most effectively to control the risks. The approach will build on existing evidence and knowledge from across the Agency but will also be refined in the light of findings from similar, complementary projects that are underway in other organisations. A progress report is due in November 2008.

- **Animal feed and the regulation of GM products (Defra and FSA shared lead; new initiative)**

Defra is in the lead on the first part of this action. The Agency is focussing on the second part, which will report on the extent to which changes in the market are affecting the regulatory system for GM food and feed products and the implications for consumers. A small project team has been established and the Agency has produced a scoping note, which will be the focus of several stakeholder events to be held during the autumn. Feedback from these events will be used to inform the report, which is due by December 2008.

- **Clarifying the interface between DH and the FSA on healthy eating (DH and FSA joint lead; existing initiative)**

This action was completed in July, with publication of a

joint DH/FSA statement setting out plans to assist in delivering the Healthy Food Code of Good Practice and clarifying the roles and responsibilities of the two Departments with respect to each of the seven elements of the Code. The respective contacts within DH and the Agency will keep stakeholders informed about next steps and progress on each of the individual strands.

The Agency is also involved in the following projects:

- **A vision and strategy for Food (Defra lead Defra, DH, FSA partnership; new initiative)**

Representatives from Defra, DH and the Agency have met on several occasions to develop a vision for food. A first draft will be used as a basis for discussion with stakeholders in October/November; the document will be redrafted and then taken to a second round of discussion with stakeholders in February with a view to generating support for the vision and the basis for collaborative activity to turn the vision into reality by October 2009.

- **Reducing food waste and recovering energy (Defra lead; new initiative)**

The Agency's policies have the potential to impact on food waste and we welcome the opportunity to liaise with WRAP and Defra on this issue. Agency representatives are attending a meeting with WRAP in October.

- **Improving the nutritional standards and environmental sustainability of food served in the public sector in England (DH lead; new initiative)**

The Department of Health is leading the delivery of this action through the development of a Healthy Food Mark that will establish standards for meals served in hospitals, prisons and government departments. The Mark will be voluntary initially, and will be piloted in a small number of sites to assess its impact. The Agency is providing technical support to DH to help develop the food and nutrition based standards on which the Mark will be based. This will build on previous Agency guidance to those serving food in major institutions.

- **A joint research strategy for food (Defra lead; new initiative)**

The project is currently at an early stage, with agreement being sought from participating departments on an appropriate approach to the 'Food Matters' recommendation. A scoping paper has been produced by the Government CSA, which proposes that a Food Research Partnership is established to provide a forum through which departments (including devolved administrations), Research Councils and other funders and stakeholders can liaise and co-ordinate activity with respect to research and development.

[CSA = Chief Scientific Advisor]

The Agency has welcomed the opportunity for

involvement with this project, which has the potential to complement existing networks and research forums. A preliminary meeting is proposed for the autumn.

In addition to leading on these initiatives, the Agency will be represented on the new cross-Whitehall Food Strategy Task Force, which will co-ordinate departments' work on food issues and ensure delivery of the measures recommended in the report.

One key objective of the Task Force will be to improve the co-ordination across departments of campaigns, consultations and other communications about food related issues. In advance of the next spending review, it will also consider how best to incentivise efforts to reduce the environmental and public health issues associated with food and support the food economy.

Sub groups of the Task Force will take forward individual actions across Whitehall; the Agency is the lead department for the Integrated Advice for Consumers sub group.

Ultimately, the Task Force will provide annual reports to the Prime Minister on the progress made towards implementing the actions in the report and on key developments in the UK food system.

As a Government department, we are also committed to play our part in adopting the strategic policy objectives for food that are outlined in report, as follows:

- fair prices, choice, access to food and food security through the promotion of open, competitive markets;
- continuous improvement in the safety of food;
- the changes needed to deliver healthier diets; and
- a more environmentally sustainable food chain.

We already identify strongly with the second and third of these through our existing work streams. We have also made significant progress towards embedding sustainability assessments in our policy development processes.

Reports from IGD's Industry Nutrition Strategy Group

IGD's Industry Nutrition Strategy Group was established in 2003 to help the food and drink industry develop integrated, cohesive and balanced nutrition strategies to encourage healthy eating as part of a healthy lifestyle throughout the UK.

Two reports recently published by the Group are available free of charge from IGD (www.igd.com).

Portion Size: A Review of Existing Approaches

"Portion size is important for food labelling purposes and from the perspective of nutrient and energy intake. The increasing prevalence of obesity has focused attention on intake in relation to portion size and raised

the question of whether guidance is needed on setting portion sizes for particular foods. This report will provide those involved in determining portion sizes in grocery and foodservice with:

- An understanding of how portion sizes are set across government, industry, NGOs and healthcare professional organisations.
- The reasons for development and the basis of current portion size guidance.
- Comparison of portion guidance between various organisations.
- Recommendations for actions required in order to achieve a consistent context for determining portion sizes across the grocery and food service sectors."

The report is available on request from <http://tinyurl.com/6ngmes>

Saturated Fat Communication: Enabling Consumers to Make Informed Choices

"With the reduction of dietary saturated fat a public health priority for the Government, recent IGD research has highlighted the need for simple, clear and consistent communication to consumers about this issue.

This new report will help you to:

- Understand the level of consumer awareness, comprehension and attitudes to saturated fat and messages regarding saturated fat
- Assess the impact consumers' recognition of key messages has on behaviour
- Develop targeted messages and tools for use across the grocery industry and beyond"

The report is available on request from <http://tinyurl.com/5nto8k>

Genetic Modification and Food

The Institute of Food Science & Technology has issued a revised and updated Information Statement on Genetic Modification and Food, dated September 2008, which replaces an earlier Statement from July 2004.

The IFST's summary of the content reads as follows:

"Over the past 11 years, and in many parts of the world, genetically modified (GM) crops grown by 12 million farmers (of which 11 million are resource-poor farmers) have already provided significant improvements in the quantity and quality of the food supply while reducing economic cost, energy usage, pesticide usage, fuel usage, soil erosion and carbon emissions, with no scientifically-documented evidence of harm to human health.

"In addition to the foregoing benefits, the "second generation" of GM crops and those in the research

pipeline have the potential to deliver crops to provide much needed nutritional benefits; crops with more effective utilisation of fertiliser; crops that will grow under drought and other adverse climate conditions; and crops that will grow on previously inhospitable land.

"Food scientists and technologists can support the responsible introduction of GM techniques provided that issues of product safety, environmental concerns, information and ethics are satisfactorily addressed. IFST considers that they are being addressed, and need even more intensively to continue to be so addressed. Only in this way may the benefits that this technology can confer become available, not least to help feed the world's escalating population in the coming decades."

Full details are available from the IFST website at <http://tinyurl.com/6df3o4>

Food Law Code of Practice

The Food Law Code of Practice for **Northern Ireland** has been updated by the Food Standards Agency. Full details of the new code are available from the FSA website at <http://tinyurl.com/6y7ou9>

The Code of Practice has been revised to reflect the principles of better regulation and to reduce the administrative burdens on business and on district councils, while maintaining standards of public health and consumer protection. A significant change to the Code includes the introduction of interventions to provide a more flexible approach to food law enforcement. The aim of this change is to ensure that resources are directed at those food businesses that present the greatest risk to public health and consumer protection.

For **Scotland** a consultation exercise is underway to update the Code of Practice for Scotland, with a closing date for responses of 9 January 2009. Full details are available from <http://tinyurl.com/6ntene>

The corresponding Food Law Code of Practice for **England** has already been updated and was published earlier in June 2008 (full details from <http://tinyurl.com/5t472d>).

It can be expected that the Code of Practice for **Wales** will be updated soon.

For each of the Codes of Practice, there are separate Practice Guidance documents, but these have not yet been updated. Versions available from the FSA website are those from 2006.

The Codes of Practice set out instructions and criteria to which food authorities should have regard when engaged in the enforcement of food law. Authorities must follow and implement the provisions of the code that apply to them. The Practice Guidance gives advice

to enforcement officers on how best to apply the provisions laid down within the code.

Quick-Frozen Foodstuffs

The Food Law Code of Practice includes a section on quick-frozen foodstuffs, chapter 3.7. The revised codes reflect recent legislative changes introduced early in 2007 to provide for the enforcement etc for European regulation 37/2005 'on the monitoring of temperatures in the means of transport, warehousing and storage of quickfrozen foodstuffs intended for human consumption'.

FSA Approach to Sustainable Development in Policy Making

The Food Standards Agency has been considering its approach to sustainable development in policy making. It has held workshops for stakeholders and carried out a public consultation on a draft strategy.

The Agency has completed its **Statement of Approach**, and this has been submitted to the FSA Board for endorsement.

Copies of the Board Paper (FSA 08/09/04, and Annexes) are available from <http://tinyurl.com/53xcab>

The FSA also published a report on consumer research carried out for the Agency ('Consumer priorities for sustainable development'), which is available from <http://tinyurl.com/5q6do3>.

The Board agreed the approach submitted in Annex 1 of the Board paper and noted:

- "this was a change in position, i.e. all policies should be sustainable while maintaining the primacy of FSA's public health remit;
- "the policy needed to be embedded in FSA philosophy at all levels to create a sense of ownership;
- "the FSA should take sustainability issues into account when communicating with consumers.
- "by taking responsibility for negative impacts we had to be proportionate, if an issue was outside our remit then we could only flag that to other Government Departments;
- "concern about the Executive's technical expertise for environmental impact assessment and the risk to the 'evidence based' reputation of the FSA, but noted that plans were in place to up-skill staff over the next two years;
- "in addition to mechanisms in the Executive to ensure sustainability assessments were undertaken, the Board also needed to take responsibility;
- "the Board was supportive of partnership working in this area."

FOOD STANDARDS AGENCY

SUSTAINABLE DEVELOPMENT IN POLICY MAKING

DRAFT STATEMENT OF APPROACH

Our goal is to ensure our primary objectives of food safety, nutrition and protecting the interests of consumers in relation to food are achieved, while maximising positive impacts in all areas of sustainable development.

The Agency recognises the importance of the social, environmental and economic aspects of sustainable development and will give consideration to all these areas in developing policy. In considering policy options, we will seek to minimise any negative impacts in all areas of sustainable development, whilst ensuring that our statutory remit to protect the interests of consumers in relation to food is achieved. We will assess the sustainability of our policies on a case by case basis and our decisions will be based on the best available evidence and good governance.

The Agency will take responsibility for its actions in relation to sustainable development and we will not ignore significant negative environmental, social or economic sustainability impacts. We will take responsibility for the impacts of our implemented policies and accept that we may, on occasion, not proceed with a policy on sustainability grounds.

Where the impacts of our policies fall outside of our remit, we will work actively with Government departments and other organisations to mitigate adverse effects, deliver a more sustainable solution and provide co-ordinated messages.

Application

The goal of sustainable development is to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations. Underpinning this goal are the 'three pillars' of sustainable development; environmental, economic and social, together with using sound science responsibly and promoting good governance. Together these are the Government's five principles of sustainable development. Sustainability also requires that long-term and global views should be taken when developing policy.

The Agency's remit is set out in law. Our role is to protect consumers in relation to food safety, nutrition and other interests in relation to food. We will deliver our statutory remit, whilst seeking ways to maximise positive impacts in all areas of sustainable development.

We recognise that the different pillars of sustainability interconnect; for example, climate change impacts under the environmental pillar could, in turn, impact on food safety. Considerations under all three pillars are, therefore, important when developing Agency policy. When assessing policy options and deciding priorities we will, however, give priority to food safety and health issues as these are where most, though not all, of our policy goals lie.

The Agency will assess policies on a case by case basis, as there can be no hard and fast rules and the complexity or otherwise of impacts will vary widely with the issue under consideration. We will assess the sustainability of all new and amending policies. We will do this at the earliest possible stage in policy development and keep the assessment under review throughout the process. Our Impact Assessments will all include consideration of sustainable development.

Where policies involve European or International negotiation

we will seek to influence the European Commission and other relevant bodies to abide by their commitment to include sustainable development in their own impact assessments.

As an evidence based organisation, the Agency will base its decisions on the best available evidence, properly taking account of proportionality and the precautionary approach and ensuring good governance, including transparency.

Where significant negative impacts are identified we will seek to moderate or amend our policies to reduce these. In doing so we will take a risk based approach to protecting food safety or public health, and give these matters priority. The degree of moderation will be influenced by how severe, immediate and direct the risk is to consumers. We recognise the importance of conserving non-renewable natural resources and that less immediate environmental impacts can rebound on consumers. We will try to minimise our impacts on these.

We will seek to minimise negative impacts in our policy design, but recognise that it will not always be possible to avoid them. Once a policy has been decided, the Agency will take responsibility for reducing any significant remaining negative impacts. The degree of responsibility we will take will depend on how the impact might affect the Agency's goals and whether any remedial action is within our power and expertise to influence. Whether or not we take the remedial action forward ourselves, we will clearly communicate how this will be addressed. The Agency does not have expertise in all aspects of sustainable development and we recognise that it will be necessary to seek input during policy development from other Government departments and organisations. Similarly, impacts of our policies may adversely affect matters that fall to other departments and the devolved Governments. In such cases we will liaise with the relevant bodies.

In some cases we may not proceed with a policy on sustainability grounds, such as where there are highly significant and unavoidable adverse impacts and there is insufficient benefit to justify proceeding.

Reflecting their different remits, different parts of Government will give different priority to different aspects of sustainable development. The Agency believes that by working together Government can achieve a joined-up approach and greater sustainability. We therefore consider partnership working to be key to delivering more sustainable solutions and will actively work across Government to facilitate this.

Public Consultation on EFSA's Strategic Plan 2009-2013

EFSA is seeking comments on its draft Strategic Plan for the period 2009-2013, which it is developing in consultation with a wide range of partners, European institutions, Member States, stakeholders and interested parties.

The aim of the document is to outline the strategic direction for the Authority over the coming five-year period, enabling EFSA to programme its work on a multi-annual basis and to establish the priorities in light of an evolving environment. The Plan will provide the basis for the development of EFSA's Annual Work Programmes.

EFSA says that it will assess all relevant comments and those that might enhance the document will be taken into consideration when preparing the final version.

Following this procedure, EFSA will publish the relevant comments received, as well as a short report on the outcome of the consultation.

The deadline for comments is 3 November. It is anticipated that the finalised draft will be submitted to the Management Board of EFSA for possible adoption at its December 2008 meeting.

The draft plan was discussed by the EFSA Board at its October meeting and is available from the EFSA website at <http://tinyurl.com/6bprpf>. Interested parties are invited to submit written comments by means of an electronic form that can be accessed from the same web address.

EFSA notes that the world is facing a number of significant changes which will impact on the work of Europe's food safety watchdog over the next five years. Not least, the globalisation of world markets will increase the likelihood of new or re-emerging risks, while climate change and the sustainability of Europe's food production practices will necessitate a more integrated approach to risk assessment that addresses risks along the entire food chain.

"New technologies and innovation in food and feed production will also drive EFSA to keep pace with cutting-edge scientific developments.

"In the Strategic Plan, EFSA outlines how it will further exploit the scientific expertise at its disposal across Europe, harnessing the knowledge of scientists from all disciplines along the food chain, including animal health and welfare, plant health and nutrition. In this way, it will strengthen its integrated approach to risk assessment to provide Europe's decision makers with relevant, up-to-the-minute scientific advice."

Public consultation on potential risks arising from Nanoscience and Nanotechnologies

The European Food Safety Authority has launched a public consultation on its draft scientific opinion on the potential risks arising from nanoscience and nanotechnologies on food and feed safety and the environment. The draft opinion follows a request from the European Commission to EFSA for advice on this issue in 2007. EFSA's opinion will help inform consideration of any future EU measures in relation to nanotechnologies in the food and feed area.

The draft opinion focuses on engineered nano materials (ENM) that could be deliberately introduced into the food chain. EFSA notes that it elaborates on approaches to risk assessment in this field and as such is not an assessment of any specific application of ENM.

EFSA's Scientific Committee (SC) has led this work and has been assisted by a Working Group of scientists with relevant expertise to consider the different aspects of the Commission's request. In order to receive relevant information EFSA launched a call for data in January

2008 on its website and via its Advisory Forum.

The Draft Opinion of the Scientific Committee on the Potential Risks Arising from Nanoscience and Nanotechnologies on Food and Feed Safety (Question No EFSA-Q-2007-124) can be downloaded from the EFSA website at <http://tinyurl.com/65ul7g>

Interested parties are invited to submit comments and pertinent scientific information by 1 December 2008, using an electronic form which can be accessed from the EFSA website (address as above).

EFSA identifies key conclusions from the draft opinion as follows:

- Established international approaches to risk assessment currently used for non-nano chemicals can also be applied to ENM
- It is currently not possible to satisfactorily extrapolate scientific data on non-nano chemicals and apply it to their nano-sized versions. Consequently specific case by case risk assessments should be performed when assessing their safety, based on specific data from relevant safety tests applicable to the particular application
- Possible risks arise because ENM have particular characteristics, due in part to their small size and high surface area. Small size increases their ability to move around in the body in ways that other substances do not, while their high surface area increases their reactivity
- Additional limitations and uncertainties exist, particularly in relation to characterising, detecting and measuring ENM in food, feed or the body. There is also limited information on absorption, distribution, metabolism and excretion, as well as the toxicity of ENM

Recommendations are made in the draft opinion for further data, research and investigations to address uncertainties and limitations and therefore strengthen the understanding, evidence base and methodologies to be applied in assessing the risk of ENMs. The opinion also gives an indication to potential applicants of the data they would need to provide to allow for a risk assessment.

The overall conclusions from the report are reproduced below.

CONCLUSIONS

This opinion is generic in nature and is not in itself, a risk assessment of nanotechnologies as such or of tentative applications or possible uses thereof or of specific products. The possible uses of nanotechnologies and the applications in the food and feed area is varied and developing. The possible uses and applications span all the various steps and processes throughout the food chain, including production processes, agrochemicals, feed and food contact materials, and food/feed ingredients. There is as yet no overview of possible

products that may be present on the EU market. The nanospecific properties and characteristics of ENM are likely to affect their toxicokinetic behaviour and toxicity profile. The guidance section indicates the general data needs and aspects to consider when performing a risk assessment of ENM.

The Scientific Committee specifically concludes:

- Current uncertainties for risk assessment of nanotechnologies and their possible applications in the food and feed area arise due to presently limited information in several areas. Specific uncertainties apply to the difficulty to characterize, detect and measure ENM in food/feed and biological matrices and the limited information available in relation to aspects of toxicokinetics and toxicology. There is limited knowledge of (likely) exposure from possible applications and products in the food and feed area or of environmental impacts of such applications and products. The current usage levels of ENM in the food and feed area is unknown. The limited database on ENM assessments should be considered in the choice of appropriate uncertainty factors in the risk characterization step.
- Whilst recognising these limitations, the currently used risk-assessment paradigm (hazard identification, hazard characterization, exposure assessment and risk characterization) is considered applicable for ENM.
- Risk assessment of ENM in the food and feed area should consider the specific properties of ENM in addition to those common to the equivalent non-nanoforms.
- The available data on oral exposure to specific ENM and any consequent toxicity is extremely limited; the majority of the available information on toxicity of ENM is from in vitro studies or in vivo studies using other routes of exposure.
- Current toxicity testing approaches used for conventional materials are a suitable starting point for case-by-case RA of ENMs. However, the adequacy of currently existing toxicological tests to detect all aspects of potential toxicity of ENM has yet to be established. Toxicity-testing methods may need methodological modifications. Specific uncertainties arise due to limited experience of testing ENM in currently applied standard testing protocols. There may also be additional toxic effects caused by ENM that are not readily detectable by current standard protocols. Additional endpoints not routinely addressed and pharmacological endpoints may need to be considered in addition to traditional endpoints.
- For hazard characterization, the relationship of any toxicity to the various dose metrics that may be used is currently discussed and several dose

metrics may need to be explored in addition to mass.

- The different physicochemical properties of ENM compared to conventional dissolved and macroscale chemical counterparts imply that their toxicokinetic and toxicity profiles cannot be fully inferred by extrapolation from data on their equivalent non-nanoforms. Thus, the risk assessment of ENM has to be performed on a case-by-case basis.
- Appropriate data for risk assessment of an ENM in the food and feed area should include comprehensive identification and characterization of the ENM, information on whether it is likely to be ingested in nanoform, and, if ingested, whether it remains in nanoform at absorption. If it may be ingested in nanoform, then repeated-dose toxicity studies are needed together with appropriate in vitro studies (e.g. for genotoxicity). Toxicokinetic information will be essential in designing and performing such toxicity studies.

FSAI report on nanotechnology

The Food Safety Authority of Ireland (FSAI) has recently published a report on nanotechnology and its potential future applications in relation to food and food packaging

'The Relevance for Food Safety of Applications of Nanotechnology in the Food and Feed Industries' can be downloaded directly from the FSAI website at <http://tinyurl.com/3tnmbt>

The FSAI says that the report makes a series of recommendations to ensure that consumers' safety is protected in relation to developments in this area. It outlines the current and potential uses of nanotechnology and the possible implications for the safety of food. It identifies potential benefits for both consumers and manufacturers from nanotechnology, which include extending the shelf-life of products, as well as enhancing taste and texture characteristics of food. However, it cautions that little is currently known about the possible effects in the food chain and there are recognised gaps in our knowledge base. There is therefore a need to ensure that regulatory (or legislative) controls are adequate to safeguard human health. Nanotechnology is expected to offer immense potential for future product development and the FSAI states that whilst there are no foods currently on the Irish market that incorporate nanotechnology, policies should be devised now in advance of their arrival.

The report, produced by the FSAI's Scientific Committee, calls for an EU-wide centralised legislative framework to regulate the use of this technology in food and for food businesses to take primary responsibility for ensuring the safety of all foods

produced with nanotechnology.

In particular, it stresses the need for mandatory labelling of all food products or food packaging which employ nanotechnology, so that consumers can make informed purchasing decisions. In addition, when these products come on the Irish market, a national list of all products should be created, compiled and monitored by the FSAI. It suggests that research should urgently be undertaken to establish an assessment of possible risks in relation to nanotechnology in food.

"Benefits include masking of taste and odours, protection of ingredients during processing and digestions, and enhanced bioavailability. For example, nanoencapsulation of fish oils (omega 3 fatty acids) for use as ingredients in breads and other foods can mask the 'fishy' taste and improve shelf-life. In addition, nanotechnology has a role in development of "intelligent" food packaging that will provide a greater degree of traceability of products. For example, nano-structured metal films and coatings can strengthen bottles and other plastic wrapping material and incorporation of nanosensors into food packaging material will allow for the detection of contaminants such as harmful bacteria in foods and their surrounding environment," says Mr Alan Reilly, Deputy Chief Executive, FSAI.

Mr Reilly acknowledges that this is a novel and innovative development in food production and food packaging techniques and is certain to be an area of great potential for the food industry in the future.

"Nanotechnology will have a major impact on food innovation over the coming decades, with many new applications foreseen in the agrifood sector for the benefit of consumers and the environment. That places a degree of urgency on having clear policies in place now before its widespread entry to the marketplace. While offering many benefits to manufacturers and consumers, the application of nanotechnology in the food industry may present new challenges in terms of safety and regulation to ensure that consumers are fully protected. Risk benefit analysis needs to be carried out and used to underpin food safety controls and the regulatory framework."

"Our role will be to assess each application of nanotechnology within food and food packaging on a case by case basis, until a standardised approach is developed within the EU for the assessment of the possible risks of nanoparticles", he concluded.

The FSAI would also like to see standardised risk assessments put in place across the board whereby food businesses employing this technology are obliged to conduct monitoring processes and should be held legally accountable on all stages of production.

Green Paper on agricultural product quality

The European Commission has adopted and published a 'Green Paper' on agricultural product quality: product standards, farming requirements and quality schemes', which is now the subject of a public consultation exercise. Full details including a number of background papers are available from the Commission website (Directorate General for Agriculture and Rural Development) at <http://tinyurl.com/5uwrjsj>.

Consultation responses must be submitted before 31 December.

The Commission notes that EU farmers must meet the challenges of:

- consumer demand: providing the right product, in right quantities and of the right quality, at the right prices;
- global competition.

It believes that quality is one of the EU's strengths to compete on a global market and respond to consumer demand. "That is why quality is a unique opportunity for farmers."

The Commission wants to know if it has the right instruments to facilitate quality and to help farmers communicate on the quality of their products. It has therefore decided to release a Green Paper asking open questions on the different issues related to quality.

The Commission describes the Green Paper as a reflection on how to ensure the most suitable policy and regulatory framework to protect and promote quality of agricultural products, without creating additional costs or burdens. The consultation is expected to show whether existing instruments are adequate, or how they could be improved and what new initiatives could be launched.

- Part I looks at baseline farming requirements and EU-backed product marketing standards, including those laying down specific product qualities;
- Part II looks at existing quality schemes covering geographical indications, 'traditional specialities guaranteed (TSG)', products of outermost regions, and the operation of the single market in products of organic farming;
- Part III looks at certification schemes, mainly in the private sector, that help producers tell buyers and consumers about their product.

A number of specific questions are included throughout the Green Paper. Those relating to food quality certification schemes are as follows:

Question 15:

- To what extent can certification schemes for quality products meet the main societal demands concerning product characteristics and farming methods?

- To what extent is there a risk of consumers being misled by certification schemes assuring compliance with baseline requirements?
- What are the costs and benefits for farmers and other producers of food (often small and medium-sized enterprises) in adhering to certification schemes?
- Should a more active involvement of producers' organisations be promoted?

Question 16:

- Could EU guidelines be sufficient to contribute to a more coherent development of certification schemes? What criteria would need to be included in such a guide or guidelines?

Question 17:

- How can the administrative costs and burdens of belonging to one or more quality certification schemes be reduced?

Question 18:

- How can private certification schemes be used to assist EU exports and promote European quality products in export markets?
- How can the EU facilitate market access for producers in developing countries who need to comply with private certification schemes in order to supply particular retailers?

The Commission expects to present a policy options paper (a "Communication") in May 2009. This will be based on the contributions received during the Green Paper public consultation.

LACORS labelling advice

LACORS (the Local Authorities Coordinators of Regulatory Services) has recently provided labelling advice in a number of areas in response to specific queries .

Freezing Down of Chilled Products and Use By Dates

Query: A retailer buys in products namely black puddings, raw meats, ribs etc in a frozen vac packed state which although previously intended to be sold chilled are frozen by his supplier and supplied in a frozen state for subsequent sale over the counter.

The bulk outer box in which they arrive has the full labelling information on it which includes a use by date but none of this information at the moment is applied to the individual vac packs which are sold after the expiry of the bulk use by date applied.

Q.1 If the retailer can prove the time of freezing, that the product is maintained in a frozen condition beyond all reasonable doubt would it still constitute an offence?

Q.2 Company A has some meat which it sends to

Company B to marinade and pack and return to Company A who then distribute to retailers. Who can authorise the alteration of minimum durability dates?

Q.3 If the retailer in Q.1 removes the products from the vac packs and re-packs can they apply their own date mark?

Advice: LACORS considers that the person responsible for freezing the product should have having obtained appropriate consent where necessary, from the original producer, re-label the product appropriately for supply in the frozen condition. In the circumstances described above it is difficult to see how the retailer can exercise control over and knowledge about the prior history of the products sufficient to allow him to appropriately re-label and re-date for retail sale and as described without potentially compromising the interests of the intending purchaser. LACORS further notes that controls over use by dates are related very strictly to protecting the public health of consumers and are strict liability offences.

A.1 If the retailer sells food after the expiry of the use by date relating to it, irrespective of the physical condition in which it is sold, an offence is committed.

A.2 This would be Company A but with input on the processes applied from Company B.

A.3 Technically speaking yes as this would constitute a "new" product but the date set could only be determined with input from the original producer and the person responsible for the freezing process.

[taken from the LACORS website at <http://tinyurl.com/64bzzk>. The contact at LACORS is Les Bailey - les.bailey@lacors.gov.uk; 020 7665 3862]

LACORS labelling advice on added meat stock in meat products

Query: A producer of various products which are used in meat products wishes to market a stock product. The product will be made in the usual way by boiling bones in water to make the stock, only on an industrial scale. The resulting stock will then be reduced down and sold to meat product manufacturers as a thick paste. This is then reconstituted using an established brix value for this product.

The intention is then to use it in meat products including those which look like a cut, joint or slice to replace a percentage of the water in the product, be that either by injection or free brine. The product itself will only be used in like species products.

This position of this ingredient under both Regulation 5 of the Meat Products Regulations 2003 and Regulations 13 and 16 of the Food Labelling Regulations 1996 is unclear ...

Full information from the LACORS website at <http://tinyurl.com/5bsdz2>

LACORS labelling advice on saturates claims as applied to fat spreads

Query: A sunflower spread makes a "low in saturate" claim but has been found on analysis to have a saturates content of 11.8g/100g which is above the maximum level for this claim of 1.5g/100g set out in the EC Nutrition and Health Claims Regulation 1924/2006. It is suggested that this regulations permits the use of the claim "low in fat" for spreadable fats provided for in EC Regulation 2991/94 laying down standards for spreadable fats until this is specifically adapted to the provisions of 1924/2006.

Full information from the LACORS website at <http://tinyurl.com/6fx28e>

[LACORS advice is that transitional arrangements only apply to "low in fat" claims]

LACORS labelling advice on ingredient listing of fruit puree

Query: A UK based business imports packs of fruit purees from France both to sell on to other manufacturers/caterers and to manufacture fruit smoothies. These are supplied in generic packs with the description "Sterilised Fruit Puree with Added Sugar", but the bold or fancy name used is simply "Fruit Puree". The packaging uses a generic ingredients list "fruits 90%, sugar 10%" which is followed by the statement "traditionally prepared from a variety of the most flavourful fruits" and has a front of pack pictorial representation of a number of different types of fruits with no one variety necessarily highlighted. The front face of the carton has an adhesive over-sticker indicating the variety e.g. "Strawberry Puree" The Public Analyst advises that the term "fruits" is not sufficiently precise enough to indicate the true nature of the ingredients. Clarification is sought on whether this labelling can be insisted upon if the sale is not to the ultimate consumer or to a catering establishment.

Advice: LACORS takes the view that whilst the requirements of Part II of the Food Labelling Regulation Regulations do not apply if this product is sold only to another manufacturer, it is not unreasonable for the French manufacturer to provide this information required by the Regulations by means of accompanying documentation. If this is a generic form of packaging "customised" by the use of specific over-stickers this would be acceptable if all the "fruit 90%" is of the declared variety e.g. Strawberry. This approach would not be acceptable if the puree is of a mixed variety nature.

[From the LACORS website at <http://tinyurl.com/57jwmo>]

Approved establishments in the UK

The Food Standards Agency website now carries much extended listings of approved establishments in the UK, for easy examination or downloading. Generally there are separate listings for each of England, Scotland, Wales, and Northern Ireland (for each category of product), although coverage is not (yet) complete across all country and sector combinations.

Premises that handle or process products of animal origin are approved under EU hygiene Regulation 883/2004 and lists of approved premises must be made available.

Easy access (electronically) to lists of establishments in the UK has traditionally been limited to various categories of meat and meat products.

The most notable addition to the website is probably the availability of approved establishments for **fishery products and live bivalve molluscs**, available from <http://tinyurl.com/5lx3zu>. At the time of writing, the list for England has not yet been posted on the website.

Approved **milk and dairy establishments** are available from <http://tinyurl.com/68xv9n>. All four country lists are available, although the dates for the information included range from October 2007 to October 2008.

Approved establishments for **meat products**, and for **minced meat and meat preparation** can be found at <http://tinyurl.com/5kqgdt>. There are as yet no listings published for Scotland.

For England and Northern Ireland, a number of other sectors, most notably **Standalone Cold Stores**, are also covered from this same web page:

- Collagen
- Frogs' Legs and Snails
- Gelatine
- Rendered Animal Fats and Greaves
- **Standalone Cold Stores**
- Stomachs, Bladders and Intestines

Approved establishments for **red, poultry, and game meat** can be found from <http://tinyurl.com/6yxbed>. These are meat establishments that are approved to slaughter and/or cut meat. There are separate lists for

- Meat of domestic ungulates
- Meat from poultry and lagomorphs
- Meat of farmed game
- Wild game meat

which cover:

- Slaughterhouses
- Farm slaughter facilities
- Game Handling establishments
- Cutting plants

[**domestic ungulates**: cattle, sheep, goats, pigs, bison and water buffalo

poultry: farmed birds (chicken, turkey, duck, geese, guinea fowl, quail)

lagomorphs: rabbits, hares and rodents

farmed game: farmed deer, farmed boar and ratites (flightless birds: e.g. ostrich, rhea, emu)

wild game (includes wild birds, wild lagomorphs, wild ungulates and wild land mammals)]

Full contact information is provided in relation to each listing.

Other member states

For other EU (and EEA) member states, the EUROPA website provides links to the relevant national websites for corresponding information (when available), although readers might note that the link back to the UK returns 'Error 404 - Page not found' - available from <http://tinyurl.com/686drh>

Third Countries

Lists of establishments in Third Countries can be accessed from the Europa website at <http://tinyurl.com/6b4zzn>. Lists can be accessed by sector or by country.

Survey of process contaminants

The Food Standards Agency has published the results of a new study looking at the levels of four process contaminants in a range of UK food products. The results, published as Food Survey Information Sheet 03/08, are from the first year of a three-year rolling programme

Process contaminants are chemical substances which are produced in food during food manufacturing, cooking (including home cooking), packaging and other processing activities. The contaminants studied were acrylamide, furan, 3-MCPD and ethyl carbamate.

Acrylamide is formed when starch-rich foods are fried, baked, grilled or toasted at high temperatures greater than 120 °C, and has been found in a wide range of home cooked and processed foods, but the Agency notes that the formation of the other process contaminants is not as clearly understood.

The Agency's three-year survey is being conducted in response to recommendations from the European Commission for Member States to investigate the levels of acrylamide and furan in food. The Agency decided to extend the study to cover levels of 3-MCPD and ethyl carbamate, to gain a clear picture of the levels of a range of process contaminants in the food that is commonly eaten in the UK.

A total of 335 analyses on 192 samples representing 10 food groups are included in the survey. Samples were taken from retail outlets in the UK.

The Agency concludes that occurrence and levels for all of the process contaminants surveyed were in line with results from previous research and from surveys carried out in the UK and internationally.

"Based on previous risk assessments, the occurrence and levels found do not increase concern about the risk to people's health. These results do not affect Agency advice on process contaminants, or on what you should eat."

Full details are on the Agency website at <http://tinyurl.com/6du8y7>

The results of greatest interest to the frozen sector will be those for 'French Fries sold as ready-to-eat' (including many prepared from frozen products), and those for 'Pre-cooked potato products (prefabricates) for home cooking' (including hash browns, waffles, etc).

Reducing the food chain's role in greenhouse gas emissions

The Food Climate Research Network (FRCN) has recently published a report which it says sets out what we know about the food system's contribution to greenhouse gas (GHG) emissions. Taking a life cycle perspective, it looks at how these emissions arise, both by life cycle stage (from plough to plate to bin) and by food type. It then explores the flip side of the coin: the global impact of a changing climate on how we grow, distribute, produce and consume food.

This is followed with a discussion of the strengths and weaknesses of, and challenges for, the life cycle analysis methodology upon which the report has drawn.

The next part of the study explores the mitigation options - looking at both at what food GHG reductions might be achieved through the use of cleaner technologies and better management and at what changes in behaviour are needed.

The report argues that both are essential, and (very approximately) calculates what level of food emission reductions could be achieved through a combination of technological and behavioural change.

This leads to a discussion of the relationship between the goals of food GHG reduction and improved nutritional wellbeing. The report considers how far these two goals are compatible both at the UK and global levels.

The penultimate section examines the policy context, highlighting what actions are being taken at the UK, EU and international levels to tackle food GHG emissions.

Finally, there are conclusions and recommendations, the key one being that the UK Government should commit to achieving a 70% or more absolute reduction in food-related GHG emissions by 2050 and should set out how it intends to achieve these cuts.

The full 156-page report (**Cooking up a storm: Food, greenhouse gas emissions and our changing climate**) can be downloaded directly as <http://tinyurl.com/6k5ttk> There is also a 28-page summary available as <http://tinyurl.com/6mt8nl>

The Food Climate Research Network is a UK research council-funded initiative. It works to research & promote ways of achieving absolute reductions in greenhouse gas emissions from the whole UK food chain. More information on FRCN from its website at <http://www.fcrn.org.uk/>

REACH

REACH is the new European Community Regulation on chemicals and their safe use. It deals with the **Registration, Evaluation, Authorisation and Restriction of Chemical substances**, and represents a new approach to controlling chemicals in the EU. It replaces a number of existing controls. The aim of REACH is

- to protect human health and environment
- to maintain of competitiveness of chemicals industry
- to increase transparency
- to apply equally to new and existing chemicals
- to comply with obligations under the WTO

The Regulation (2006/1907/EC) was adopted by EU Member States in December 2006 and entered into force on 1 June 2007. Its provisions will be phased in over an extended period of eleven years.

Manufacturers and importers of substances in quantities of 1 tonne or more are required to submit a registration to the newly created European Chemical Agency (ECHA). A pre-registration phase is currently in operation (ending 1 December) and any substances that are pre-registered will be able to take advantage of the extended phase-in deadlines.

The REACH Regulation gives greater responsibility to industry to manage the risks from chemicals and to provide safety information on the substances. Manufacturers and importers will be required to gather information on the properties of their chemical substances, which will allow their safe handling, and to register the information in a central database run by ECHA in Helsinki. The Agency will act as the central point in the REACH system: it will manage the databases necessary to operate the system, co-ordinate the in-depth evaluation of suspicious chemicals and run a public database in which consumers and professionals can find hazard information.

The Regulation also calls for the progressive substitution of the most dangerous chemicals when suitable alternatives have been identified.

Certain substances are exempt from the detailed requirements of REACH. Most significantly for readers of this newsletter, this includes substances used in food or feedingstuffs in accordance with Regulation (EC) No 178/2002 - including use as food additives or flavourings - see extract from Article 2 below

Article 2: Application

5. The provisions of Titles II, V, VI and VII shall not apply to the extent that a substance is used:

- (a) in medicinal products for human or veterinary use within the scope of Regulation (EC) No 726/2004, Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products and Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use;
- (b) in food or feedingstuffs in accordance with Regulation (EC) No 178/2002 including use:
 - (i) as a food additive in foodstuffs within the scope of Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption;
 - (ii) as a flavouring in foodstuffs within the scope of Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production and Commission Decision 1999/217/EC of 23 February 1999 adopting a register of flavouring substances used in or on foodstuffs drawn up in application of Regulation (EC) No 2232/96 of the European Parliament and of the Council;
 - (iii) as an additive in feedingstuffs within the scope of Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ;
 - (iv) in animal nutrition within the scope of Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition .

[Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety]

The full text of the regulation can be downloaded as

<http://tinyurl.com/6s9xtl>

Background information is available from the DG Environment website at <http://tinyurl.com/ygwr75>

Detailed information and guidance is available from the ECHA website at http://echa.europa.eu/home_en.asp

Substances, Preparations and Articles

REACH distinguishes three types of products: substances as such, mixtures of substances (preparations) and articles.

In REACH, an article means "an object which during production is given a special shape, surface or design which determines its function to a greater degree than its chemical composition".

"While for example coatings, inks, adhesives or cleaners are preparations under REACH, products such as tyres, newspapers, compact disks or bottles are articles."

"Companies located in the European Union who produce, import or distribute articles may have duties under REACH comparable to those of companies producing or importing chemicals, under particular circumstances."

A key concern in respect of 'articles' is the extent to which substances in articles can be released during service life and waste life stages, and whether or not this release is intended.

Guidance

Specific guidance that readers may wish to consider can be found from the ECHA website - follow links to 'Publications' and 'Guidance Fact Sheets'. This will offer you:

- **Guidance for Downstream Users** (or download directly as <http://tinyurl.com/6anb65>)
- **Guidance on requirements for substances in articles** (or download directly as <http://tinyurl.com/63vs7z>). Also, the Factsheet from <http://tinyurl.com/63qcmo>

According to the Guidance for **Downstream Users**:

"Downstream users must not place on the market any substances which are not registered in accordance with REACH. This means that your products may contain only substances which are either:

- produced/imported by the supplier in amounts below 1 tonne per year, or
- exempted from registration, or
- have been pre-registered and have a later registration deadline, or
- have been registered.

"In practice, you should make sure that your supplier is aware of REACH and complies with his requirements. You should obtain a statement

confirming that your supplier knows his requirements, follows them and also checks that his suppliers are in compliance with REACH, and request a confirmation that pre-registration has taken place or is going to take place."

ECHA has announced that almost 40,000 substances were pre-registered up to 1 October, two months before the deadline. The full list is accessible from the ECHA website (<http://tinyurl.com/5ccb32>).

"The purpose of the intermediate list is to give Downstream Users of chemicals a possibility to determine whether substances of their interest are already pre-registered."

ECHA is required to publish by 1 January 2009 the full list of substances which have been pre-registered within the time period starting on 1 June 2008 and ending 1 December 2008.

Incident prevention strategy

The Food Standards Agency has published its 'Incident Prevention Strategy to 2010', following a consultation exercise which closed on 1 August.

Full details are available from the FSA website at <http://tinyurl.com/5btvq7>

The Agency says that the incident prevention strategy plan sets out a cross-Agency programme of work to help deliver its Strategic Plan target of developing, by the end of December 2010, effective interventions to tackle food safety problems at source before they

become incidents. The broad aims are to:

- learn from past incidents to ensure that past mistakes are not repeated
- identify and address the main sources of incidents
- be as prepared as possible in future to anticipate and deal with emerging, and re-emerging risks

The Agency has also published a new website section to bring together information and guidance on how to report, respond to and prevent a food or animal feed incident.

In the event of an incident, the new dedicated website section aims to help enforcement authorities and members of the food industry find key incidents guidance and services quickly. It includes the online report form for businesses to notify the Agency if they need to recall or withdraw products from the market.

The Agency says that it will be bringing more incident information online as it becomes available. This includes incident-related exercises, which are carried out to improve incident handling, and details of other incident reviews.

Definition of an incident

The Agency uses the following definition of an incident: 'Any event where, based on the information available, there are concerns about actual or suspected threats to the safety or quality of food that could require intervention to protect consumers' interests.'

Note: TinyURLs™ are used are used in this newsletter to replace some long web addresses, to 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 Ian Farley, Technical and Legislative Co-ordinator

British Frozen Food Federation
Warwick House

Tel: 01400 283090 / 283094 (dir)
Mobile: 07714 671840

Fax: 01400 283097
E-mail: ianfarley@bfff.co.uk

Long Bennington Business Park
Long Bennington, Newark NG23 5JR