

German Mineral oil benchmark level for nuts and dried fruit.

As reported (See update mail 09 07 2019) the German local authorities have been verifying together with the BLL (German scientific platform for the food industry) the presence of mineral oils in food samples. Out of this vast project, benchmark levels were adopted in 2019 for the 3 first categories in the table below and now in June one category was added.

A benchmark level of 4 mg/ kg of food for MOSH was agreed for "Nuts, oilseeds, coconut, peanuts, dried fruit and mixtures thereof." As for the other benchmark categories MOAH should not be detectable.

| Food category | Benchmark level MOSH | Benchmark level MOAH |
|---|----------------------|-------------------------------|
| Vegetable oils, plant oils (tropical oils excluded) | 13 | < Limit of quantification (2) |
| Bread, rolls, biscuit, pastry, grains and grain-based products, oats, pasta and noodles, rice, breakfast cereals. | 6 | < LOQ (0,5/1) (*) |
| Confectionary, chocolate | 9 | < LOQ (0,5/1) (*) |
| Nuts, oilseeds, coconut, peanuts and dried fruit and mixtures thereof | 4 | <LOQ (0,5/1) (*) |

(*) Limits of quantification based on JRC Technical Report. For low fat foods < 4% : 0,5 mg/kg. For high fat foods > 4% : 1mg/kg food.

German Mineral oil regulation

Entirely new is the notification of the German MO regulation into the EU TRIS information system.

<https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2020&num=510>

Similar to the Draft 4 released in March 2017, there is in the now notified German legislation no limit included for the mineral oil saturated hydrocarbons (MOSH) and the migration of MOAH should not exceed 0,5 mg/kg of food.

In more detail:

- The use of a functional barrier is obligatory for food contact materials made of paper for recycling.
- This obligation is related to preventing the transfer of Mineral Oil Aromatic Hydrocarbons (MOAH) with carbon numbers C16-C35, with one or more rings (except DIPN), above the limit of detection (0,5 mg/kg food). In case the tests are performed with food simulants and not in the food, a detection limit of 0,15 mg/kg is applicable.
- The obligation to introduce a functional barrier does not apply, when the migration of MOAH above the detection limits, can - in view of the conditions - be excluded, in particular if the MOAH content is low or if the manufacturer or distributor of the FCM has taken other appropriate measures to prevent the migration.
- The supply of food contact materials to a food producer remains also possible without a functional barrier, in case the food producer confirms that he renounces the presence of a functional barrier. In this case it is up to the food manufacturer to ensure that the migration of MOAH remains below the indicated detection limits.

First comments:

Since the start of the broader mineral oil discussion in 2010, ECMA has a proven track record in taking responsibility for the own share of the contamination.

Over the years it became however very clear, mineral oils can originate from many other sources and certainly not only from the use of recycled cartonboard. (See fact sheet on the Foodwatch test results and the two published ECMA position statements present on the ECMA website).



Another main comment to make once more, is the established overall limit for all MOAH, although it has been well recognised certain categories of MOAH are less a concern. The main health concern is related to certain substances which may be present in the polycyclic aromatic fraction.

The German Ordinance was notified today, triggering a 3-month standstill period (ending 18/11/2020) during which the Commission and the Member states will assess the notified legislation. In case potential barriers to the single market are identified comments or detailed opinions can be introduced.

This development will be discussed in the next online meeting of the Food Safety Committee (17/09) and of course ECMA and FFI will be in close contact on the further industry position.

Photoinitiators

The EuPIA Suitability list of photoinitiators and photosynergists for food contact materials has been updated in July.

https://www.eupia.org/fileadmin/FilesAndTradExtx_edm/2020-07-01_EuPIA_Suitability_List_of_Photoinitiators_and_Photosynergists..._01.pdf

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