

## Guide for Artisan/Small Food Producers Starting a New Business

In 2009, the FSAI recorded an increase of 50%, from 2008, on the number of enquiries to the Advice Line asking for information on how to set up a new food business. To address this demand, this March, the FSAI published a *Guide to Food Law for Artisan/Small Food Producers Starting a New Business*. Whilst information on starting up a business for other food sectors is already available, this comprehensive guide is intended to assist artisan and small food producers who have started or are planning to start a new food business.

This increase in the number of requests for information on starting a new food business, from 719 in 2008 to 1,076 in 2009, possibly reflects the downturn in the economy and people looking for new business opportunities. On the positive side, it is showing that people wishing to take their first entrepreneurial step to establish a food business, wish to do so in the correct manner, seeking the best advice available to them.

To operate legally, food businesses must be registered or approved, have a food safety management and a traceability system in place, staff handling food must have received food safety training, and the business must comply with food law. This guide provides concise and clear details on these legal requirements. It also includes simplified summaries on food legislation including:

- General food law
- Food hygiene
- Microbiological criteria
- Labelling and marketing standards
- Additives, packaging, contaminants and pesticides

The responsibility for food safety rests firmly on the food industry and this guide provides details on the fundamental requirements for setting up an artisan or small food business, including contact details of the various agencies which can assist in fulfilling a start-up. This will ultimately allow those new to the industry to be self-sufficient in setting up their food business in the correct way, so that they are complying with food safety legislation.

The guide is free to download on our website, [www.fsai.ie](http://www.fsai.ie). Alternatively, any additional queries in relation to setting up a new food business can be directed to our Advice Line on 1890 33 66 77 or [info@fsai.ie](mailto:info@fsai.ie).



*Helen Crowley, Information Executive, FSAI and Judith O'Connor, Technical Executive, FSAI are pictured during the launch of the guide.*

- 1 Guide for Artisan/Small Food Producers Starting a New Business
- 2 Is There Light at the End of the GMO Tunnel?
- 3 Community List of Food Additives
- 3 Chief Scientist from NZFSA visits the FSAI

- 4 National Survey of *Campylobacter* spp. on Chicken Packaging
- 5 European Study of *Campylobacter* spp. and *Salmonella* spp. in Chickens
- 6 Assessment of Impact of the Eyjafjallajökull Eruption on Food Safety and Agriculture in Ireland

- 7 Norovirus Outbreaks Linked to Oyster Consumption
- 7 Liaison Meeting
- 10 *Trichinella*
- 11 Hospitality Expo
- 11 Food Allergy Survey Update

- 11 Safety Net
- 12 Health Claims on Foods and Food Supplements in Ireland
- 12 Recent Publications

# Is There Light at the End of the GMO Tunnel?

**The formation of the new European Commission in March saw the transfer of the biotechnology, pesticides and health unit portfolios from the Directorate General for the Environment into the Directorate General for Health and Consumers (DG SANCO). This change means that all of the health and environment regulatory aspects of genetically modified organisms (GMOs) are now, for the first time, concentrated in DG SANCO.**

In announcing the appointment of John Dali as the new Commissioner for Health and Consumers, President Barroso said that he expected these changes would "help to join up the work and ensure consistency of approach". One of the first initiatives of the new Commissioner was to announce his intention to introduce a proposal to grant the freedom for Member States to decide whether or not they wish to cultivate genetically modified crops.

Another milestone in the GM approval process was reached in March, when two new decisions concerning a genetically modified potato called Amflora were adopted. These authorised the cultivation of Amflora in the EU, for use in the starch industry and for using Amflora's starch by-products as animal feed. The starch of conventional potatoes consists of a mixture of amylose and amylopectin, whereas, the starch of the new variety of potato is composed mainly of amylopectin. It has taken many years of deliberations at European level to reach this stage of approval. The first application in the EU for approval of the newly developed potato was submitted in 1996 and a second application for cultivation of the Amflora variety was submitted in 2003. An approval process which took close to fifteen years in the EU, others will argue, should have taken closer to fifteen days. Europe has saddled itself with a complex regulatory process for GMOs that involves time and money that could be spent in more pressing areas. The on-going external evaluation of the EU legislative framework on GM food and feed will be completed by June 2010. This will provide an opportunity to re-assess the risk assessment and regulatory approval processes, and the labelling requirements.

Adopted in 2004, the current EU regulatory framework dates from a time where the authorisation process for GMOs had come to a stop. No new GMOs were authorised between 1998 and 2004. The EU system of authorisation of GM food and feed remains one of the most challenging and sensitive processes. Recommendations to authorise GMOs have not received sufficient support from Member States to achieve a qualified majority, either in the Standing Committee or in the Council. Decisions, therefore, are reverted to the Commission, which after lengthy deliberations, adopt the authorisations by comitology procedure (the committee system which oversees acts implemented by the Commission). Recent discussions by the Commission to introduce a process of combining a European authorisation system with the freedom of Member States to decide on cultivation of GMOs are to be welcomed.

Extensive scientific evaluation by the European Food Safety Authority (EFSA) precedes any authorisation of a GMO, including the Amflora potato. EFSA was set up in 2002 to provide independent scientific advice and to carry out risk assessment that would underpin European-wide food safety policy. In reaching an opinion on the Amflora potato, EFSA consulted with both the European Medicines Agency and the European Centre for Disease Control. While EFSA provides the independent scientific evidence upon which authorisation decisions must be based, it is other society-related values such as political, economic and cultural criteria which, in the past, have consistently over-ruled science as the basis for the non-approval of GMOs in the EU.

**To meet the future challenges of producing greater volumes of food for the growing global population, we will need to rely on new technologies. We should not simply accept or reject new technologies, such as those involved in producing GM food and feed, without due consideration.**

To meet the future challenges of producing greater volumes of food for the growing global population, we will need to rely on new technologies. We should not simply accept or reject new technologies, such as those involved in producing GM food and feed, without due consideration. If GM technology can address some of the problems in agricultural production that conventional breeding cannot or can address them more efficiently and effectively, then clearly, we need to think about adopting these with appropriate and timely regulation, ensuring food safety, consumer protection and environmental sustainability.



*Alan Reilly*

**Alan Reilly**  
CEO



# Community List of Food Additives

**Article 30.1 of Regulation (EC) No. 1333/2008 on food additives which was adopted on 16 December 2008, requires that food additives currently permitted for use in foods through Directives 94/35/EC on sweeteners, 94/36/EC on colours and 95/2/EC on additives other than colours and sweeteners and their conditions of use shall be entered into a Community list. This Community list shall be entered into annex II of Regulation 1333/2008/EC. Food additives and uses which are no longer needed will not be entered into the new Community list. Article 4 of the Regulation further stipulates that the additives in the Community list shall be listed on the basis of the categories of food to which they may be added i.e. the Food Categorisation System (FCS). The establishment and adoption of the Community list must be completed by 20 January 2011.**

The Commission has consulted with various stakeholders and with Member States over the last number of years resulting in the establishment of various categories into which the current authorised food additives with their conditions of use have been introduced. The categorisation system is based on the Codex Alimentarius General Standards on Food Additives (GSFA), however certain amendments were needed to take into account the specific nature of some of the food additive authorisations currently in force within the EU. The purpose of the exercise is to minimise the number of categories where possible and to keep the system simple. The FCS currently contains 17 categories which are further subdivided into 153 subcategories. Currently authorised additives, which are listed in the annexes to Directive 94/35/EC, 94/36/EC and 95/2/EC, along with their conditions of use, have been placed into these categories and sub-categories. The number of additives which may be permitted in the various food categories varies widely, with for example zero additives permitted in category 11.3: honey, whilst there are more than 250 additives listed under category 16.1: edible ices.

The FCS will be divided into three parts. The first part will introduce the general provisions concerning the authorisation of food additives and will also include a list of foodstuffs in which no additives may be permitted. Part II will consist of the list of all permitted food additives and these will be listed in accordance with their main functional class, whilst part III will detail the foodstuffs and the additives which will be permitted in the 17 food categories (Table 1) and 153 subcategories.

## Open Consultation

The FSAI has opened a consultation with interested stakeholders on the Commission's proposals for the establishment of the Community list of food additives which will be placed in annex II to the additives Regulation 1333/2008/EC.

Details of the content of each category can be viewed on our website at <http://tinyurl.com/y6gmssq>. Comments on any aspect of the proposed Community list for food additives are invited.

The consultation will remain open at [www.fsai.ie/legislation/consultations](http://www.fsai.ie/legislation/consultations), until 5pm on Wednesday 12 May 2010.

**Table 1**

**17 categories created to date**

1. Dairy
2. Fats and Oils
3. Fruit and Vegetables
4. Confectionery
5. Bakery Wares
6. Meat and Meat Products
7. Fish and Fish Products
8. Eggs and Egg products
9. Sugars and Table Top Sweeteners
10. Salt, Spices, Seasonings, Sauces etc
11. Beverages
12. PARNUTS
13. Cereals and Cereal Products
14. Snacks
15. Desserts
16. Food Supplements
17. Nutrients

## Chief Scientist from NZFSA visits the FSAI



*Dr Steve Hathaway, Director of the Science Group, NZFSA*

The FSAI signed a cooperation agreement with the New Zealand Food Safety Authority (NZFSA) in August last year. The aim was to develop stronger scientific links between both agencies in order to share information and collaborate in areas of mutual interest. The NZFSA has a very similar role to the FSAI and is responsible for protecting consumer interests in relation to food safety and food standards.

Under the umbrella of this agreement, Dr Steve Hathaway, Director of the Science Group at the NZFSA visited the FSAI in March and held a seminar on "Applying a risk management framework approach to control of campylobacteriosis in New Zealand". New Zealand has made considerable progress in reducing the prevalence of *Campylobacter* spp. in poultry and Dr Hathaway's visit was a good opportunity for sharing experiences of this common food safety problem.

### Possible Control Measures for *Campylobacter*

The NZFSA *Campylobacter* Risk Management Strategy provides an example of where a range of possible control measures have been evaluated over a period of time to determine whether they would be effective and verifiable in the New Zealand context. Control measures evaluated in relation to broiler chickens have included:

- decontamination of drinking water
- testing of flocks prior to slaughter
- improved process hygiene
- chemical decontamination of carcasses
- performance targets for chilled carcasses
- commercial freezing
- leak-proof packaging at retail
- consumer information

# National Survey of *Campylobacter* spp. on Chicken Packaging

**Campylobacteriosis is the most common bacterial cause of gastroenteritis in Ireland and Europe. The Irish Health Protection Surveillance Centre (HPSC) was notified of 1,758 cases in 2008, approximately four times the number of salmonellosis cases (449) reported for that year.**

Internationally, chicken meat is recognised as a major source of campylobacteriosis. An opinion published by the European Food Safety Authority (EFSA) earlier this year estimated that handling, preparation and consumption of chicken meat may account for 20% to 30% of cases. EFSA has also recently published the results of a European Union-wide baseline survey (see page 3) carried out in slaughterhouses to determine the prevalence of *Campylobacter* species on chicken carcasses. Ninety eight percent of Irish carcasses were found to be contaminated with *Campylobacter* spp. The EU prevalence was 75.8%.

## National Survey

The purpose of this national survey was to determine (1) the prevalence of *Campylobacter* spp. on (a) the external surface of chicken packaging and (b) on the surface of display cabinet shelves; and (2) to establish whether handling and cooking instructions deviate from accepted best practice.

Seven hundred and eighty five samples were taken by environmental health officers (EHOs) from retail establishments in Ireland between September and December 2008. Each sample consisted of two swabs; one swab from the exterior of the chicken packaging and one swab from the cabinet displaying that package (i.e. 1,570 swabs). Samples were analysed for the presence of *Campylobacter* species in the Food Microbiology Laboratories of the Health Service Executive (HSE).

## Results

*Campylobacter* spp. were detected on 13.2% (104/785) of the external surface of packaging and 10.9% (86/785) of the surface of display cabinets.

This survey included a questionnaire which captured information on the sample source, the packaging type and the sample and had a response rate of 75% (590/785). Based on statistical analysis the microbiological results of this subset of 590 samples were considered representative of the total sample population.

Almost two thirds of the packaging sampled (61.2%, 361/590) was conventional packaging (i.e. the plastic covering wrapped around the tray and sealed underneath); while, one third (32%, 189/590) was leak-proof packaging (i.e. the plastic wrapping sealed onto the tray).

The following are key findings relating to packaging which were statistically significant (p<0.05):

- *Campylobacter* spp. were detected on the exterior of 18.9% (68/361) of the conventional packaging and 2.1% (4/189) of the leak-proof packaging. The contamination detected on the display cabinet which was in contact with the sampled packaging and the evidence of leakage reported to be visible on that display cabinet further supported this finding (Table 1).

- *Campylobacter* spp. were detected on 13.9% (50/361) of display cabinets in contact with conventional packaging; while *Campylobacter* spp. were detected on only 2.6% (5/189) of display cabinet surfaces in contact with leak-proof packaging.
- When chicken was packaged in the conventional manner, leakage was evident on 17.2% (62/361) of display cabinets. With leak-proof packaging, leakage was evident on only 6.3% (12/189) of display cabinets.
- *Campylobacter* spp. were detected on 19.5% (71/365) of packages containing whole birds compared to 3.2% (7/221) of packages containing chicken portions. Some studies in Ireland and other countries have shown that whole birds are more contaminated than chicken portions.

**Table 1: Relationship between the Type of Packaging and the Prevalence of *Campylobacter* spp. on the Exterior of the Packaging and the Display Cabinet (n=590)**

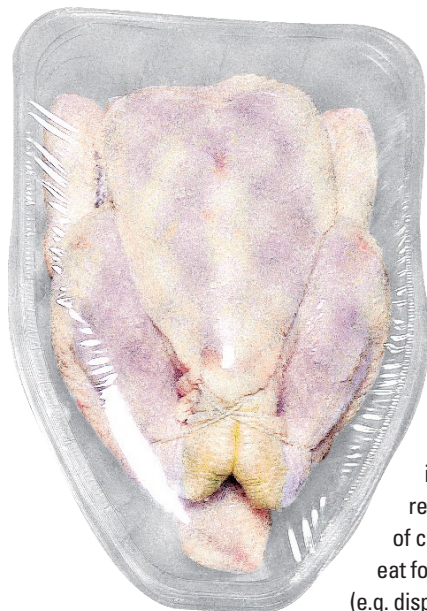
Type of Packaging	Number of samples (% of samples)				
	Campylobacter spp. not detected	Campylobacter spp. detected			Grand Total
		On packaging and display cabinet	On packaging only	On display cabinet only	
Conventional packaging*	279 (77.3%)	36 (10.0%)	32 (8.9%)	14 (3.9%)	361 (100%)
Leak-proof packaging**	181 (95.8%)	1 (0.5%)	3 (1.6%)	4 (2.1%)	189 (100%)
Not stated	4 (80%)	1 (20%)	0 (0%)	0 (0%)	5 (100%)
Other	25 (71.4%)	2 (5.7%)	3 (8.6%)	5 (14.3%)	35 (100%)
Grand Total	489 (82.9%)	40 (6.8%)	38 (6.4%)	23 (3.9%)	590 (100%)

\* **Conventional packaging:** The plastic is wrapped around the tray and sealed underneath  
 \*\* **Leak-proof packaging:** The plastic is sealed onto the tray.

## Labelling Issues

Approximately one third of chicken packages provided handling, preparation and/or cooking instructions on the front of the label. Of the 381 samples which did not provide such instructions on the front of the label, 63% (240/381) carried these instructions on the reverse of the label. To view this information the consumer must either peel-off the label (which can be difficult to do), or look at the label through the plastic film. This latter practice could encourage consumers to touch the internal surface of the packaging which would be expected to be more contaminated than the external surface.

Of the 365 samples which were identified as whole birds on the questionnaire, 6.8% (25/365) carried instructions advising customers to wash the whole bird or the cavity of the bird prior to cooking. This instruction is contrary to current best practice advice and can lead to the spread of *Campylobacter* spp. around the kitchen in water droplets.



### Recommendations

The following recommendations arise from this survey:

- Retailers should change to sourcing chicken in leak-proof packaging.

- Where chicken is sold in the conventional packaging, retailers need to control the risk of cross-contamination to ready-to-eat foods through minimising leakage (e.g. displaying products on the flat and not in an upright position, removing product with damaged packaging from display etc.) and regular cleaning and disinfection of display cabinets and other areas in the shop

which might become contaminated (e.g. trolleys/baskets, checkout conveyor belts etc.). Retailers should also consider the provision of plastic bags at poultry display cabinets to enable consumers to protect their hands and ready-to-eat foods from contamination.

- The practice of having handling and cooking instructions on the reverse of a label should be discontinued. All instructions should be clearly visible on the outside of the packaging.
- Labels on whole birds should not advise consumers to wash the bird. If a bird needs to be cleaned then it should be done by wiping the cavity with damp kitchen paper which should be carefully discarded immediately and hands thoroughly washed.

The message to consumers is to continue to keep raw meat separate from ready-to-eat foods while shopping, storing and preparing food. Where consumers use reusable bags they should consider designating one bag for use with raw meats only.

## European Study of *Campylobacter* spp. and *Salmonella* spp. in Chickens

The European Food Safety Authority (EFSA) has published the results of a baseline survey on *Campylobacter* species and *Salmonella* species in chicken at slaughterhouses in the European Union (EU). These pathogens are the cause of the two most frequently reported foodborne diseases in humans in the EU and Ireland. In 2008, the EU incidence rates for campylobacteriosis and salmonellosis were 41 and 26 cases per 100,000 people, respectively. The Irish rates for that year were 41 and 11 cases per 100,000 people, respectively.

Chicken meat is considered to be an important foodborne source of both these human diseases. This EU baseline study was conducted during 2008 to establish the prevalence of *Campylobacter* spp. in chickens presented for slaughter and the prevalence of *Campylobacter* spp. and *Salmonella* spp. on chicken carcasses at the end of the slaughter line, just after chilling. Twenty six Member States and Norway and Switzerland participated in the survey.

### *Campylobacter* spp. Results

All Member States reported *Campylobacter* spp. in the chickens they sampled. At EU level *Campylobacter* spp. were found in the intestines of 71% of chickens, indicating that they were already infected when alive, and on 76% of sampled carcasses, which suggests cross-contamination during slaughtering. Member State prevalence varied widely, from 2% to 100% of chickens and from 4.9% to 100% of chicken carcasses. Eighty three percent of Irish chickens were infected and 98% of Irish carcasses were found to be contaminated. The survey follows a recent opinion of EFSA's Biological Hazards (BIOHAZ) Panel which estimated that handling and preparation of chicken and consumption of undercooked chicken meat may account for 20% to 30% of human cases of campylobacteriosis in European Member States.

The study also examined the counts of *Campylobacter* spp. detected on chicken carcasses. The counts varied widely between countries but in general there was a tendency for high counts in countries with a high prevalence of *Campylobacter* spp. All Member States reported counts between 1,000-10,000 colony forming units per gram (cfu/g) on some carcasses. For 18 Member States, in at least 1% of the carcasses, counts of >10,000 cfu/g were reported. Nine percent of Irish carcasses had counts >10,000 cfu/g. As *Campylobacter* species cannot grow at refrigeration or room temperatures contamination of

carcasses with high counts is considered to represent a health risk for consumers. It has been shown that heavily contaminated chicken can serve as a source for cross-contamination to other foodstuffs and surfaces during meal preparation either through direct contact or indirectly via contaminated hands, utensils and food contact surfaces.

### *Salmonella* spp. Results

Twenty two Member States and one non-member state reported salmonellae in the chicken carcasses they sampled. On average, 15.7% of carcasses were found to be contaminated. The prevalence varied amongst Member States, from 0% to 26.6%. The Irish prevalence was 11%. Of the various types of *Salmonella* spp. detected, 17 Member States reported *Salmonella* Enteritidis and *Salmonella* Typhimurium, which are responsible for most salmonellae infections in humans. Neither of these pathogens was detected on Irish carcasses, reflecting the success of the national salmonella control programme which has focused on combating these two important human pathogens.

### Conclusions

The aim of this EU baseline survey was to provide comparable data for all participating Member States. The results may be used to track future trends and to evaluate the impact of control and monitoring programmes.

In the Irish context this study reveals the urgent need to implement a national campylobacter control programme in chicken meat production. In 2009, the FSAI requested advice from its Scientific Committee on practical measures which could form the basis for such a control programme. The report is expected later this year.

For further information on campylobacter see the frequently asked questions (FAQs) section of our website at: [www.fsai.ie/faqs/campylobacter.html](http://www.fsai.ie/faqs/campylobacter.html)



# Assessment of Impact of the Eyjafjallajökull Eruption on Food Safety and Agriculture in Ireland

The FSAI has received a number of queries about the food safety impact of the recent volcanic eruption in Iceland that disrupted European air traffic during April.

Volcanic eruptions inject water vapour, carbon dioxide, sulphur dioxide, hydrochloric acid, hydrofluoric acid and ash into the atmosphere. Hydrochloric acid and hydrofluoric acid will dissolve in water and fall as acid rain, whereas, most sulphur dioxide is slowly converted to sulphuric acid aerosols. Ash particles may absorb these aerosol droplets onto their surfaces. When ash falls to the ground, the soluble components can be washed away by water, potentially resulting in changes to local water chemistry and hence, quality. Chemical changes in the underlying soil can occur. As the concentration of the ash plume is very dilute over Ireland, these general effects are likely to be minimal.

Ash that falls close to volcanoes can have serious detrimental effects on agricultural crops and livestock, depending mainly on: ash thickness; the type and growing condition of a crop; the presence of soluble fluoride on the ash; timing and intensity of subsequent rainfall; condition of pasture and animals prior to ash fall; and availability of uncontaminated feed and water.

It can reasonably be expected that effects will depend on the volume of ash deposited in a particular area, with the amount of ash and particle size decreasing with distance from the eruption site. Ireland is not likely to see any of these negative impacts during the current Eyjafjallajökull eruption, due to the distance and the very dilute nature of the ash plume over Ireland. However, these factors should be kept under review.

## Composition of Ash from the Eyjafjallajökull Eruption

Reports of analysis of samples of volcanic ash collected near the eruption showed a silica concentration of 58% and the concentration of water-soluble fluoride at 104 milligrams of fluoride per kilogram of ash. While high concentrations of fluoride (250 ppm) can have harmful renal and hepatic effects in livestock, the likely levels over Ireland at present will not pose a problem.



While farmers near the volcano in Iceland have been warned not to let their livestock drink from local ponds and streams, as high concentrations of fluoride can have adverse effects in livestock, it is not necessary to issue such advice to farmers in Ireland at this time.

In terms of domestic agriculture and horticulture production, if volcanic dust should happen to settle on the surface of, for example, leafy vegetables, it should be possible to remove this easily by washing.

## Effects on Irish Food Supply

The recent disruption of air freight in the short term is unlikely to have a major impact on the Irish food supply as the supply of fresh vegetables at this time of the year is largely from under cover sources and mainly from a European base supplied to Ireland by road/ferry. The longer the disruption of air traffic continues, however, the greater the likelihood that we may see a shortage of "exotics" imported from outside the EU.

The FSAI has held discussions with the major Irish retailers and has been assured that there is not a problem regarding volumes/variety of imported foods.

## Monitoring

The European Centre for Disease Prevention and Control has issued threat assessment reports and, together with WHO-Europe and the European Commission Joint Research Centre, continues to assess the situation in relation to public health. In addition, the European Food Safety Authority has received an urgent request from the European Commission for scientific and technical assistance on the possible risks for public and animal health of the contamination of the feed and food chain due to possible ash fall following the eruption.

As the eruptions continue, the situation in relation to food safety and agriculture in Ireland will be kept under review by the FSAI, in consultation with the relevant Irish and European agencies.

**The following Regulations have been introduced over the last few months in Ireland:**

### S.I. No. 99 of 2010

European Communities (Control of Salmonella in Turkeys) Regulation, 2010

### S.I. No. 117 of 2010

European Communities (Official Control of Foodstuffs) Regulation, 2010

### S.I. No. 119 of 2010

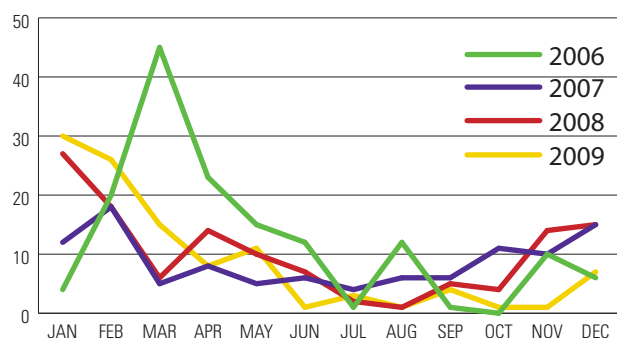
European Communities (Extraction of Solvents used in the Production of Foodstuffs and Food Ingredients) Regulation, 2010

# Norovirus Outbreaks Linked to Oyster Consumption

The first few months of 2010 saw an increase in illness associated with oyster consumption across Europe. In total, 334 cases in 65 clusters were reported from five European countries – Denmark, France, Norway, Sweden and the United Kingdom (UK). Most cases had eaten oysters in restaurants. Clusters were verified by the European Centre for Disease Prevention and Control (ECDC) where evidence was available that cases had consumed oysters within the incubation period and laboratory analysis for the presence of norovirus in the oysters. The implicated oysters were reported to have been sourced from England, France, Ireland, the Netherlands and Scotland. Over 30 incidents occurred in the UK and Ireland in which norovirus illness was associated with consumption of raw oysters from Ireland. This led to the withdrawal of oysters that were cultivated in Carlingford Lough in February.

## What are noroviruses?

Noroviruses are the most common cause of acute gastroenteritis in Ireland that traditionally occur during the colder months of the year. They are sometimes referred to as winter vomiting viruses that cause nausea, diarrhoea and vomiting. Illness is usually self-limiting and most people make a full recovery within 1-2 days.



**Fig 1: Seasonal Distribution of Norovirus Outbreaks, 2006-2009**  
(Source: HPSC, 2010)

## Noroviruses and Oysters

Oysters, like all bivalve molluscs, are filter feeders and bio-accumulate viruses from the surrounding waters. Contamination of oyster beds with noroviruses can occur after heavy rains or from discharges from sewage treatment plants. The detection of norovirus in oysters usually follows the same seasonal trend as the norovirus epidemiology in the general population. The removal of noroviruses from oysters once contaminated is difficult and normal depuration techniques will not render oysters safe to eat.

## Current Food Regulations

Risk management for oysters aimed at control of faecal pollution risks relies on the use of *Escherichia coli* as an indicator of sewage pollution. This is the basis of current European regulations which are inadequate to control risks associated with viral contamination of bivalve molluscs. There is no correlation between the presence of viruses in shellfish with the presence of indicator bacteria. Nevertheless there still remains an onus on food business operators not to place unsafe food on the market. Given recent experience, it is clear that absence of *Escherichia coli* does not provide a sufficient guarantee of microbiological safety of shellfish in all cases.

The protection of shellfish production waters from sewage pollution remains crucial. Ireland, thanks to the research work of the Marine Institute, has begun to gather data about the occurrence of norovirus in our shellfish production areas. While this is extremely useful, we are still some way off developing reliable safety criteria for norovirus. Industry, regulators and researchers must continue to work together to avoid any further occurrence of illness. Science based dependable indicators of harmful levels of norovirus must be developed if we are to ensure that consumers can eat raw oysters with confidence and that our oyster industry is sustainable.

See full Eurosurveillance report:

Eurosurveillance, Volume 15, Issue 12, 25 March 2010  
*Norovirus Outbreaks Linked To Oyster Consumption in the United Kingdom, Norway, France, Sweden and Denmark, 2010*  
[www.eurosurveillance.org/ViewArticle.aspx?ArticleId=19524](http://www.eurosurveillance.org/ViewArticle.aspx?ArticleId=19524)



## Liaison Meeting

Attending a recent liaison meeting of the FSAI and HSE Dublin Mid-Leinster were (l-r): Eibhlin O'Leary, FSAI; Declan Mulhare, Principal Environmental Health Officer (PEHO), Dublin Mid-Leinster; Dave O'Brien, PEHO, Dublin Mid-Leinster; Ann Marie Part, Area Chief EHO, Dublin Mid-Leinster; Rosemarie Hayden, Executive Analyst Chemist; Michelle Riblet, FSAI; Mary Linehan, Chief Medical Scientist; Catherine Foye, PEHO, Dublin Mid-Leinster; Mary Cullen, Acting PEHO, Dublin Mid-Leinster; Mari Greene, PEHO, Dublin Mid-Leinster; Mary Gorby, Senior EHO, Dublin Mid-Leinster and Shauna McQuaig, Acting Senior EHO, Dublin Mid-Leinster.

# Legislation Update

## Irish Legislation

### Official Control of Foodstuffs

The Department of Health and Children has published the European Communities (Official Control of Foodstuffs) Regulation, 2010 (S.I. No. 117 of 2010), which came into effect on 22 March this year.

The Regulation gives effect to Commission Regulation (EC) No. 882/2004 on the Official Control of Foodstuffs and it revokes and replaces the European Communities (Official Control of Foodstuffs) Regulation, 1998 (S.I. No. 85 of 1998); the European Communities (Official Control of Foodstuffs) (Amendment) Regulation, 1999 (S.I. No. 210 of 1999); the European Communities (Official Control of Foodstuffs) (Approved Laboratories) Order, 1998 (S.I. No. 95 of 1998); the European Communities (Official Control of Foodstuffs) (Approved Examiners) Order, 1998 (S.I. No. 465 of 1998) and the European Communities (Official Control of Foodstuffs) (Amendment) Regulation, 1999 (S.I. No. 210 of 1999).

The Regulation defines the Competent Authority for the purposes of the EC Regulation as being:

- (a) for the purposes of Article 5 of the EC Regulation (Delegation of Specific Tasks Related to Official Controls) — the FSAI, the Health Service Executive (HSE) and/or the official laboratory
- (b) for the purposes of Article 12 of the EC Regulation (designation of laboratories that may carry out the analysis of samples taken during official controls) - the Minister
- (c) for the purposes of all other provisions of the EC Regulation — the FSAI and/or the HSE, as appropriate.

Part 4 of the S.I. sets out the enforcement measures and requires that they are carried out in accordance with the provisions of the S.I. and the European Regulation. Part 5 of the S.I. sets out the sanctions for non-compliance, and Schedule 1 sets out the form of official certificate to be given by an approved examiner to an authorised officer. An authorised officer for the purposes of this S.I. is defined as an authorised officer appointed under Section 49 of the FSAI Act. A summary offence under the S.I. may be prosecuted by the FSAI or the HSE.

### Extraction Solvents used in the Production of Foodstuffs and Food Ingredients

European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) Regulation, 2010 (S.I. No. 119 of 2010) has been published. The Regulation gives effect to Directive 2009/32/EC on the approximation of the laws on extraction solvents used in the production of foodstuffs and food ingredients. It revokes and replaces the European Communities (Extraction Solvents in Foodstuffs and Food Ingredients) Regulation, 2000 (S.I. No. 141 of 2000).

The Regulation defines 'solvent' as meaning any substance for dissolving a foodstuff or any component thereof, including any contaminant present in or on that foodstuff; while an 'extraction solvent' is defined as meaning a solvent which is used in an extraction procedure during the processing of raw materials, of foodstuffs, or of components or ingredients of these products and which is removed but which may result in the unintentional, but technically unavoidable, presence

of residues or derivatives in the foodstuff or food ingredient.

Annex 1 to the Directive contains a list of extraction solvents which may be used during the processing of raw materials or foodstuffs, food components or food ingredients. Part 1 of this list contains the extraction solvents which are permitted for all uses when used in compliance with good manufacturing practice. Part II contains a list of extraction solvents for which conditions of use are specified and for which maximum residue limits in certain extracted foodstuff or food ingredient are set.

## EU Legislation

### Food Labelling – Nutrition Claims

Commission Regulation (EU) No. 116/2010 (OJ L37, p16, 10/02/2010) of 9 February 2010 amending Regulation (EC) No. 1924/2006 of the European Parliament and of the Council with regard to the list of nutrition claims was published in the European Official Journal in February.

Article 8(1) of Regulation (EC) No. 1924/2006 states that nutrition claims made on foods are only permitted if they are listed in its Annex. Following consultation with the European Food Safety Authority, this amending Regulation inserts five new permitted nutrition claims and their conditions of use into the Annex of the Regulation.

The conditions set out for the claims 'source of omega-3 fatty acids' and 'high in omega-3 fatty acids', distinguish between the two types of omega-3 fatty acids, which have different physiological roles and for which different levels of consumption are recommended (Table 1). The conditions of use set

out a minimum quantity per 100g and 100kcal of product in order to ensure that only foods providing a significant amount of omega-3 fatty acids at their level of consumption can bear those claims.

With regard to the claims 'high in monounsaturated fat', 'high in polyunsaturated fat' and 'high in unsaturated fat', the conditions of use require a minimum unsaturated fat content in the food, and, consequently, ensures that the claimed amount corresponds to a significant amount at the level of consumption attainable through a balanced diet (Table 1).

### Food Additives

Commission Regulation (EU) No. 257/2010 (OJ L 80, P19, 26/03/2010) of 25 March 2010, setting up a programme for the re-evaluation of approved food additives in accordance with Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives has been published in the Official Journal.

Regulation (EC) No. 1333/2008 on food additives requires the European Commission to set up a programme for the re-evaluation, by the European Food Safety Authority (EFSA), of the safety of food additives that were permitted on the European Union market before 20 January 2009.

The order of priorities for the re-evaluation of the currently approved additives is set on the basis of the following criteria:

- the time since the last evaluation of a food additive by the Scientific Committee on Food (SCF) or by EFSA
- the availability of new scientific evidence



**Table 1: Conditions for the Use of Nutrition Claims**

Nutrition Claim	Conditions for Use
<b>Source of omega-3 fatty acid</b>	A claim that a food is a source of omega-3 fatty acids, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 0.3g alpha-linolenic acid per 100g and per 100kcal, or at least 40mg of the sum of eicosapentaenoic acid and docosahexaenoic acid per 100g and per 100kcal.
<b>High omega-3 fatty acids</b>	A claim that a food is high in omega-3 fatty acids, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 0.6g alpha-linolenic acid per 100g and per 100kcal, or at least 80mg of the sum of eicosapentaenoic acid and docosahexaenoic acid per 100g and per 100kcal.
<b>High monounsaturated fat</b>	A claim that a food is high in monounsaturated fat, and any claim likely to have the same meaning for the consumer, may only be made where at least 45% of the fatty acids present in the product derive from monounsaturated fat, under the condition that monounsaturated fat provides more than 20% of the energy value of the product.
<b>High polyunsaturated fat</b>	A claim that a food is high in polyunsaturated fat, and any claim likely to have the same meaning for the consumer, may only be made where at least 45% of the fatty acids present in the product derive from polyunsaturated fat under the condition that polyunsaturated fat provides more than 20% of the energy value of the product.
<b>High unsaturated fat</b>	A claim that a food is high in unsaturated fat, and any claim likely to have the same meaning for the consumer, may only be made where at least 70% of the fatty acids present in the product derive from unsaturated fat under the condition that unsaturated fat provides more than 20% of energy of the product.

- the extent of use of a food additive in food
- the human exposure to the food additive.

For efficiency and practical purposes and as far as possible, the re-evaluation will be conducted by group of food additives according to the main functional class to which they belong. However, if new scientific evidence emerges that indicates a possible risk for human health or which in any way may affect the assessment of the safety of a food additive it will be given higher priority.

Annex 1 to Regulation 257/2010 contains a list of approved food additives which were approved before 20 January 2009 and for which the re-evaluation by EFSA was completed at the time of adoption of this Regulation. The 17 additives currently listed in the Annex will not need to be re-evaluated as part of this review process.

The Regulation sets out the following priorities and deadlines for approved food additives:

- (a) the re-evaluation of all approved food colours listed in Directive 94/36/EC shall be completed by 31 December 2015
- (b) the re-evaluation of all approved food additives other than colours and sweeteners listed in Directive 95/2/EC shall be completed by 31 December 2018
- (c) the re-evaluation of all approved sweeteners listed in Directive 94/35/EC shall be completed by 31 December 2020.

#### **Guar Gum from India**

In July 2007, high levels of pentachlorophenol (PCP) and dioxins were found in the EU in certain batches of guar gum originating in or consigned from India. In response to this finding, the Food and Veterinary Office (FVO) of the European Commission carried out an urgent inspection visit to India in October 2007. The inspection team concluded that there was insufficient evidence of the cause of the contamination incident and the investigation carried out by the Indian

authorities was inadequate to provide any conclusions. It found that with the availability of sodium pentachlorophenolate and its use in the guar gum industry, and with a largely self regulated industry, there were inadequate controls in place to ensure that this contamination did not occur again.

Commission Decision 2008/352/EC of 29 April 2008 which imposed special conditions governing guar gum originating in or consigned from India was published.

A follow-up inspection mission of the FVO took place in October 2009 to assess the control measures put in place by the Indian authorities to prevent contamination of guar gum with PCP and dioxins and to follow-up the recommendations of the mission that took place in October 2007. However, findings indicate that the contamination of guar gum with PCP and/or dioxins cannot be regarded as an isolated incident and that only the effective analysis by the approved private laboratory has prevented contaminated product being further exported to the European

Union. Taking into account that there has been no improvement in the control system, additional measures should be taken in order to reduce possible risks. These additional measures are set out in Regulation (EC) No. 258/2010 which was published in the Official Journal of the European Union on 26 March 2010.

This Regulation applies to:

- (a) guar gum, falling within CN code 1302 32 90, originating in or consigned from India, and intended for animal or human consumption
- (b) feed and food containing at least 10% guar gum originating in or consigned from India.

The Regulation sets out the requirements which include certification of products covered by the scope of the Regulation, identification of consignments, prior notification, official controls, splitting of a consignment and the manner in which non-compliant products should be dealt with.

# Trichinella

**Trichinellosis is a zoonotic disease caused by the nematode worm *Trichinella*. Humans and animals contract the disease by eating infected muscle (meat) that is inadequately cooked. The most common sources of human infection are pigmeat, wild game and horse meat. Symptoms include fever, eye swelling, breathing difficulties and muscle pains. Often, mild cases of trichinellosis are never specifically diagnosed and are assumed to be influenza or other common illnesses. The severity of the disease is proportionate to the number of larvae ingested. If the infection is heavy, patients may experience difficulty coordinating movements and have heart and breathing problems. In severe cases, death can occur.**

There are at least eight recognised species of *Trichinella*; the most commonly isolated species is *Trichinella spiralis*. The last native case of human trichinellosis reported in Ireland was in 1968. Likewise, there has been no report of trichinellosis in animals in Ireland since 1968. In 2008, two cases of trichinellosis were reported in Ireland, however, following investigation, it was established that both cases acquired infection outside of Ireland. In Europe, the prevalence of human trichinellosis varies considerably between countries. In 2008, the highest numbers of cases were recorded in Romania, Bulgaria and Lithuania. In 2007, Denmark received recognition from the European Commission and Member States as a region where the risk of *Trichinella* in domestic swine is officially recognised as negligible.

## Testing for *Trichinella*

Until 2006, all pigs destined for third countries, slaughtered in Department of Agriculture, Fisheries and Food (DAFF) supervised meat export plants were examined for *Trichinella* in accordance with Directive 64/433 EC. This Directive applied only to DAFF supervised exporting slaughterhouses and did not apply to the local authority supervised slaughterhouses who traditionally only supplied the domestic market. The testing carried out represented approximately 50% of all pigs slaughtered in Ireland.

Since 2006, all slaughterhouses approved under Regulation (EC) 853/2004 can export meat within the European Union. Regulation (EC) 2075/2005 applies within all approved slaughterhouses. The Regulation lays down specific rules on official controls for *Trichinella*

in meat and specifies that all domestic pigs and horses slaughtered for human consumption must be sampled for *Trichinella* as part of the post-mortem inspection. As a result, all horses slaughtered in Ireland are also tested for *Trichinella*. Whilst consumption of horsemeat in Ireland is low; much of the horsemeat produced is exported to France and Belgium.

Wildlife surveys conducted in Ireland show that the sylvatic or wildlife cycle of *Trichinella* continues in Ireland, independent of the domestic pig cycle. Outdoor or extensively reared pigs are at a greater risk of contracting trichinellosis from wildlife sources.

## FSAI Survey

The FSAI has conducted a survey to investigate the prevalence of *Trichinella* in pigs slaughtered in low throughput pig slaughterhouses. Many of these slaughterhouses source pigs from extensive or "backyard" pig production systems. The FSAI targeted this "high risk" sub-population by focusing the survey on low throughput slaughterhouses.

From August 2007 to January 2009, a total of 10,247 samples were taken and analysed for *Trichinella* in 33 slaughterhouses supervised by the Local Authority Veterinary Service. Survey results show that over an 18 month period there were no positive samples of *Trichinella* in a domestic pig sub-population which is most vulnerable to exposure to *Trichinella* infested animals and birds.

As a result, Ireland may apply to implement a derogation from the systematic sampling of swine carcasses for domestic swine kept solely for fattening where these animals come from a holding that has been officially recognised by DAFF as free from *Trichinella* in accordance with Regulation (EC) 2075/2005. These holdings will be audited to verify compliance with biosecurity measures. Fattening pigs from these holdings will be exempt from mandatory *Trichinella* testing.

Ireland is required to submit an initial and annual report to the European Commission on the results of monitoring in domestic and indicator animals following the implementation of a derogation provided for in Regulation (EC) 2075/2005. Ireland submitted an initial report to the Commission in June 2009.

Since the conclusion of the FSAI survey, *Trichinella* sampling and analysis has continued in local authority supervised slaughterhouses.



# Hospitality Expo

The FSAI had an information stand at the recent Hospitality Expo, which is a national exhibition for those working in the hospitality sector (restaurants, hotels, pubs and clubs). The exhibition took place over two days, from 9–10 March, in the RDS, Dublin. The exhibition was divided into four main areas – Restaurant Expo, Pub Expo, Club Expo and Hotel Expo. During Hospitality Expo, there were a series of free admission seminars and discussion sessions, each focusing on the challenges and opportunities that face individual operators across the whole industry.

The FSAI's information stand focused mainly on business start-up. There were quite a few queries from attendees on the legal requirements of starting up a new food business and on the 'Safe Catering Pack'. There was also a lot of interest from pub owners who were planning to expand their business to serve food.

The next exhibition that the FSAI will be involved in will be the SHOP exhibition in September.



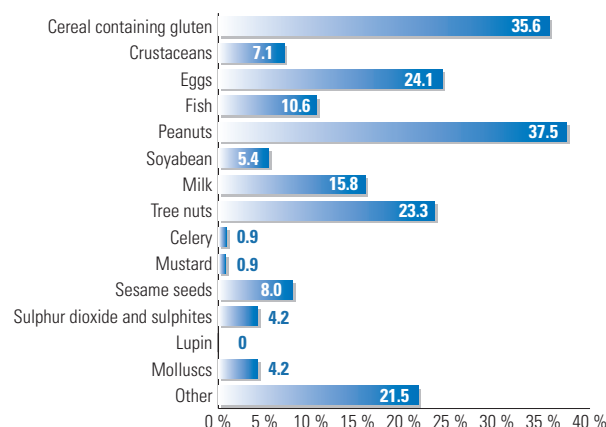
*Giving advice to an attendee at Hospitality Expo was Noeleen Murtagh, FSAI.*

# Food Allergy Survey Update

The FSAI recently set up an online survey in order to establish further information on the incidence and type of allergies in Ireland. Food allergy sufferers were asked to complete the short survey on our website, [www.fsai.ie](http://www.fsai.ie).

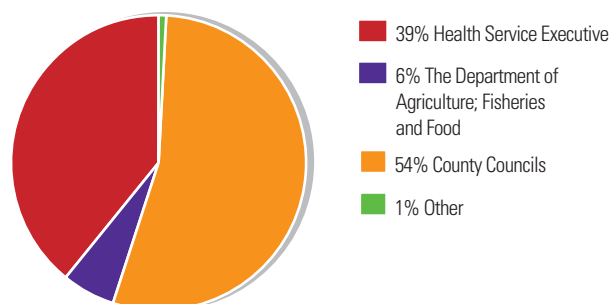
To date, there have been 502 responses to the survey with 92.4% of those reporting a food allergy. Allergy to peanuts is the most commonly reported allergy (37.5%), with cereals containing gluten (35.6%), eggs (24.1%) and tree nuts (23.3%) also commonly reported (Fig 1). Of the allergies reported, 88.4% have been medically diagnosed.

These are provisional results as the survey is still open on our website. The results of this survey will assist in deliberations in this area and on the regulatory process governing the presence of allergens in food.



**Figure 1: Types of Food Allergies Reported**

# Safety Net



**Figure 1: Agency Usage of Safety Net, 2009**

**Safety Net is a secure communication network (extranet) between the FSAI and staff of the official agencies. During 2009, there was a total of 15,796 visitors to the extranet, an average of 1,316 per month, representing an increase of 5% from 2008.**

The sections of the site that proved most popular were 'contacts', 'standard operating procedures' and 'publications'. The City and County Councils accounted for 54% of all agency visits, while Health Service Executive visits added up to 39% and visits from the Department of Agriculture, Fisheries and Food came to 6% (Fig 1).

## We Value Your Input

Comments and feedback on the system are always welcome. It is intended to upgrade *Safety Net* in the near future and we would like to incorporate user feedback into the development of new features and functionality. If you are a *Safety Net* user and would like to be involved in our focus groups, please contact us at [safetynet@fsai.ie](mailto:safetynet@fsai.ie) or [info@fsai.ie](mailto:info@fsai.ie).

If you would like training, more information on *Safety Net* or access to the system, please email [safetynet@fsai.ie](mailto:safetynet@fsai.ie).



# Health Claims on Foods and Food Supplements in Ireland

With the introduction of Regulation 1924/2006, nutrition and health claims made on foods and food supplements have been harmonised and controlled across the EU. However, the implementation of this wide-reaching legislation has been slow and complicated. The 'rounding up' of general established health claims (excluding those relating to children's health and development or disease risk reduction) for evaluation by the European Food Safety Authority (EFSA) has been completed and includes over 44,000 claims. Although EFSA has delivered opinions on some of these claims, it will be some time yet before there is a positive list of legal general claims in the EU. The deadline of 31 January 2010 has been missed and nutrient profiles for foods bearing claims are still not available.

However, some certainties are emerging. Since February this year, the Annex of 1924/2006 (amended by Regulation 116/2010) outlines the complete set of nutrition claims and the conditions for use that can be used on food in the EU. There is now a list of permitted claims on disease risk reduction for the first time in Europe. There are six permitted claims relating to children's growth and development. Small-to-medium food businesses may use these claims as long as they comply with the conditions set out and with the labelling rules.

These rules and conditions are complex however. To help food businesses use these claims correctly the FSAI has developed an information resource, available on our website, [www.fsai.ie/science\\_and\\_health/nutrition\\_and\\_health\\_claims.html](http://www.fsai.ie/science_and_health/nutrition_and_health_claims.html). A seminar, which will take place on 25 May next, will include speakers from the food industry, the food supplement industry and regulatory authorities and will provide information on the current situation regarding the legal use of approved claims. There will be time for question and answer sessions and discussion to address any outstanding issues. The seminar will conclude with a workshop on the legal requirements for food supplements.

## Save the date!

Seminar: *Health Claims on Food and Food Supplements in Ireland*

**25 May**, Radisson Hotel, Golden Lane, Dublin 8

To see the complete agenda and details on how to register, visit our website at: [www.fsai.ie](http://www.fsai.ie). Please register by Friday, May 14th.

## Recent Publications

The following publication has recently been produced by the FSAI:

*Guide to Food Law for Artisan/Small Food Producers Starting a New Business*

The publication is available on our website at [www.fsai.ie/resources\\_publications.html](http://www.fsai.ie/resources_publications.html).



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## Mailing List

*FSAI/News* is a resource for all public health professionals, researchers, food scientists, food hygienists and quality control personnel working in food safety. We would like to ensure that anyone who may find it useful receives a copy. If you think there is someone else in your organisation who would benefit from receiving a copy please fill in the form below. You can also use this form to change your own mailing details.

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