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CONTENTS

FOCUS ON CHINA	1
<i>E-commerce businesses to be liable if slack on food suppliers' credentials</i>	1
<i>China urges cutting use of disposable plastics</i>	1
INTERNATIONAL NEWS	1
<i>FDA Warns Whole Foods Market After Repeated Food Recalls for Undeclared Allergens</i>	1
<i>FDA Issues Final Guidance Regarding Use of an Alternate Name for Potassium Chloride in Food Labeling</i>	2
<i>FDA Issues Draft Guidance for Industry on Voluntary Disclosure of Sesame When Added as Flavoring or Spice</i>	3
<i>Guidelines issued for Listeria in frozen vegetables after outbreak</i>	4
<i>IAFP extends abstract deadline because of COVID-19 impact on lab operations</i>	5
<i>USDA names new FSIS Food Safety Fellows; special focus on Salmonella</i>	6
<i>FSA changes blanket guidance on meat shelf life</i>	7
<i>Researchers use compressed carbon dioxide to decontaminate almonds and other nuts</i>	9
<i>Researchers look at Listeria risks in food distribution centers</i>	9
<i>Low levels of antimicrobial resistant bacteria E. coli in beef and pork sold in UK</i>	10
<i>Almost 40 people now sick in mysterious E. coli outbreak; investigation ongoing</i>	11
<i>CSPI/CR request to prohibit nitrate statements put on track for approval</i>	13
SAFETY ALERTS	14
ENTERPRISE NEWS	15
<i>FDA slams Whole Foods for repeatedly failing to include allergens on labels</i>	15
<i>Nestle recalls some Lean Cuisine dinners because of several consumer complaints about plastic</i>	17
<i>German surveillance finds E. coli, Listeria, Campylobacter in raw milk</i>	18
<i>New York becomes third state to ban PFAS chemicals in food packaging</i>	19
MARKET NEWS - REPLY	20



Happy New Year

2021

Focus on China

E-commerce businesses to be liable if slack on food suppliers' credentials

E-commerce operators will be held accountable if they are found not reviewing business licenses of food producers on the platforms and cause food safety problems, China's top court said.

The Supreme People's Court issued a judicial interpretation on handling food safety disputes on Wednesday, in which it further clarifies obligations of e-commerce platform operators as a stronger move to ensure food safety and protect consumers' legitimate rights.

It stipulates that e-commerce operators should conduct real-name registration for and review business licenses of those selling goods on the platforms. If the platform operators do not carry out the obligations and damage consumers' rights, they should be held liable with the food sellers or producers.

"We've paid close attention to ordering or buying food online, because such consumption has been very popular with the public," said Liu Min, deputy chief judge of the top court's No 1 Civil Division.

From 2017 to the end of June this year, Chinese courts filed about 49,000 online shopping contract disputes. Of these, more than 45 percent were related to food purchases, according to the top court's statistic.

Considering the boom of buying food online, especially during the COVID-19 outbreak, "We've specified responsibilities of e-commerce platform operators in this interpretation, hoping to urge them to be good gatekeepers to help prevent food safety problems," Zheng Xuelin, chief judge of the division, added.

China urges cutting use of disposable plastics

China has urged the business sector to reduce the consumption of single-use plastic products, encouraging plastic recycling and the use of recyclable and degradable substitutes, according to a document from the Ministry of Commerce.

The ministry has set up a nationwide reporting system to record the use and recycling of disposable plastic products, according to the document.

Retailers, e-commerce platforms, and takeaway food outlets are required to report their use and recycling of such products, the document said.

At the beginning of 2020, China released an ambitious plan to ban or significantly reduce the production and use of environmentally-unfriendly plastic products in the next five years to contain pollution.

By 2025, China expects to effectively control plastic pollution, substantially reduce the amount of plastic waste in landfills of key cities, establish a complete plastics management system, and make progress in the development of alternative products.

International News

FDA Warns Whole Foods Market After Repeated Food Recalls for Undeclared Allergens

Today the U.S. Food and Drug Administration (FDA) posted a warning letter

issued to Whole Foods Market for a pattern of receiving and offering for sale misbranded food products necessitating a series of food recalls for allergens. In the last year, Whole Foods Market has recalled more than 30 food products because the presence of major food allergens was not listed on the finished product labels. The FDA noticed similar patterns of numerous recalls by Whole Foods Market for undeclared allergens in previous years as well. These products included a variety of foods sold under the Whole Foods brand primarily in the deli and bakery sections of the store. This is the first time the FDA has warned a retailer for engaging in a pattern of receiving and offering for sale misbranded food products containing undeclared allergens.

Food allergies and other types of food hypersensitivities affect millions of Americans and their families. To protect consumers, U.S. law requires that food or ingredients that contain major food allergens be specifically labeled with the name(s) of the allergen source. The eight foods identified as major food allergens are:

- Milk
- Eggs
- Fish (e.g., bass, flounder, cod)
- Crustacean shellfish (e.g., crab, lobster, shrimp)
- Tree nuts such as almonds, walnuts, and pecans (complete list of tree nuts)
- Peanuts
- Wheat
- Soybeans

Undeclared food allergens are the number one leading cause of Class I food recalls for at least the last three years. As part of the FDA's ongoing efforts to address undeclared allergens as the leading cause of food recalls, we have analyzed patterns of recalls and have begun several initiatives to improve industry's compliance with allergen labeling requirements and reduce undeclared allergen-related food recalls.

The food industry can and must do better to prevent exposing consumers to incorrectly labeled packaged food which can cause serious and life-threatening harm. Manufacturers should also ensure they have controls in place to prevent the unintentional addition of allergens during manufacturing processes.

In 2020, the FDA sent eight warning letters to companies that have manufactured and distributed foods with undeclared allergens, reminding them of their responsibilities concerning the labeling or control of allergens.

FDA Issues Final Guidance Regarding Use of an Alternate Name for Potassium Chloride in Food Labeling

The U.S. Food and Drug Administration is issuing a final guidance, Use of an Alternate Name for Potassium Chloride in Food Labeling, to advise food manufacturers of its intent to exercise enforcement discretion for the name "potassium salt" in the ingredient statement on food labels as an alternative to "potassium chloride" to better inform consumers that it is a salt substitute.

The final guidance is part of the FDA's Nutrition Innovation Strategy to reduce the burden of chronic disease in the United States through improved nutrition, by empowering consumers with information and supporting and fostering industry innovation to develop and promote healthier food options.

Changes to the final guidance from the draft include providing guidance on use of the alternate name “potassium salt” rather than “potassium chloride salt,” for potassium chloride.

Potassium chloride, in some instances, can be used as a partial substitute for sodium chloride (referred to as “salt”) in food processing and manufacturing. Providing this enforcement discretion may help facilitate consumers’ choices to decrease their sodium consumption, if manufacturers use potassium chloride as a substitute ingredient for some sodium chloride. According to data from the National Health and Nutrition Examination Survey, sodium is over-consumed by the U.S. population, while potassium is under-consumed. Too much sodium can raise blood pressure, which is a major risk factor for cardiovascular disease.

FDA Issues Draft Guidance for Industry on Voluntary Disclosure of Sesame When Added as Flavoring or Spice



The U.S. Food and Drug Administration today issued a draft guidance for voluntary sesame labeling to encourage manufacturers to clearly declare sesame in the ingredient list, when it is used as a “flavoring” or “spice” or when the common or usual name (such as tahini) does not specify sesame. This voluntary labeling guidance to industry aims to help consumers who are allergic or sensitive to sesame to avoid these products.

Sesame has been identified as a food allergen that can cause reactions such as hives, vomiting, wheezing, and anaphylaxis. Sesame is not one of the eight major food allergens required by the 2004 Food Allergen Labeling and Consumer Protection Act (FALCPA) to be included in specific allergen labeling, but in most cases, it does have to appear in the ingredient statement. An exception is when sesame is part of a flavoring or spice. In those cases, it may be declared as simply “spice” or “flavor” on the label without requiring “sesame” to be included, so its presence may not be obvious to consumers. The FDA is recommending that manufacturers voluntarily declare sesame following the spice or flavor, such as, “spice (sesame)” or “flavor (sesame).” FDA is also recommending if a term is used for a food that is or contains sesame, such as tahini, sesame should be voluntarily included in parentheses following the ingredient.

On October 30, 2018, FDA issued a notice requesting data and information on the prevalence and severity of sesame allergies in the United States and the prevalence of sesame-containing food in the United States that are not required to disclose sesame as an ingredient. Data and information received in response to the notice indicated that the reported prevalence of sesame allergies in the U.S. population appears to have increased, that sesame causes a relatively high frequency of severe allergic adverse events, and that allergic reactions to

sesame may occur from products with undeclared sesame ingredients.

The FDA does not have the authority to amend the eight major food allergens established by FALCPA; however, it has the authority under the Federal Food, Drug, and Cosmetic Act to require labeling for other food allergens not covered by the requirements in FALCPA. The FDA continues to assess allergens of public health importance, including potential science-based options to empower consumers with information about these allergens.

Guidelines issued for Listeria in frozen vegetables after outbreak



Hygiene guidelines for controlling *Listeria monocytogenes* during production of frozen vegetables have been published.

Work started after an outbreak connected to frozen sweetcorn produced by Greenyard in Hungary. The incident sickened at least 54 people with listeriosis in Australia, Finland, Sweden, Denmark, Austria, and the United Kingdom. There were 10 deaths from 2015 to 2018. It was the first time a listeriosis outbreak in Europe was linked to quick-frozen vegetables.

PROFEL, the European Association of Fruit and Vegetable Processing Industries, is currently raising awareness about the new document. The aim is to ensure consumer safety by advising vegetable freezing companies on how to control *Listeria* in the production of quick-frozen vegetables and providing business-to-business and business-to-consumer customers with information on how frozen vegetables should be stored, defrosted and prepared.

The recommendations cover good practices and prerequisite programs, hazard analysis critical control point (HACCP), environmental sampling and risk communication toward users. It includes the production and food safety management of quick-frozen vegetables, starting from reception of raw materials and ending with packed end products.

EU endorsement

Items can be sold as single or mixed products with other quick-frozen vegetables or combined with other products such as rice, pasta, sauce, quick-frozen fish or meat.

Guidelines were endorsed in the Biological Safety of the Food Chain section of the Standing Committee on Plants, Animals, Food and Feed in November. In an October meeting of the group, the Netherlands and Latvia had asked for further time to look at changes made with their experts.

They were prepared by the European frozen vegetable sector with Gent

University as well as the European Commission and member states. Consultation also included Copa Cogeca, the Chilled Food Association, EuroCommerce, FoodDrinkEurope, Freshfel and BEUC.

Challenge tests on different frozen vegetables demonstrated growth of *Listeria monocytogenes* during defrosting and storage in a refrigerator.

Frozen vegetables, blanched and unblanched, should be regarded as not-ready-to-eat (nRTE). The guidelines recommend clear cooking, defrosting and storage instructions be communicated to consumers and B2B customers. Risk communication and information toward the users of quick-frozen vegetables must clearly state proper use to avoid potential abuse.

Michael Mayntz, PROFEL president, said: “These guidelines are a true milestone for vegetable freezing businesses and demonstrate the sector’s commitment to making our foods even safer. They support companies who can use them as a starting point for their own food safety management systems, good practices, and HACCP principles.”

Legislation changes?

Meanwhile, the latest workshop of the European Union Reference Laboratory (EURL) and National Reference Laboratories (NRLs) for *Listeria monocytogenes* earlier this year discussed a revision to microbiological criteria regulation (2073/2005).

These rules include 100 colony forming unit per gram limits in ready-to-eat (RTE) food unable to support the growth of *Listeria monocytogenes* during shelf life.

However, there are differences in interpretation between member states as to how the manufacturer demonstrates *Listeria* does not grow above permitted

concentration in the products. Also, some outbreaks have been caused by products that complied with the law.

One idea being explored is RTE foods should not contain *Listeria* during their shelf life. Experts are looking at ways a plant would be exempt in an attempt to clarify interpretation of the legislation. Some measures would increase costs for businesses and are likely to lead to more requests to laboratories to investigate the growth of *Listeria* in foods.

IAFP extends abstract deadline because of COVID-19 impact on lab operations



The International Association for Food Protection’s program committee is now accepting abstracts submitted with “incomplete data” by through Jan. 19, 2021. However, the complete data must be submitted by April 6 2021, to be included for presentation at IAFP 2021.

This decision comes after a recognition that because of laboratory closures and the reduction of laboratory staffing as a result of COVID-19, many 2020 research projects were delayed and therefore have delayed results.

The IAFP 2021 annual conference is set for July 18-21 in Phoenix, AZ.

Presenters must register for the annual meeting. There is no limit on the number of abstracts an individual may submit. The author must deliver a presentation on their abstract. Accepted abstracts will be published in the Abstract Book and made available online. Editorial changes may be made to accepted abstracts at the discretion of the Program Committee.

Abstracts must report the results of original research based on accepted scientific practices or subject matter of an educational nature, as well as case studies and literature reviews, dealing with food protection including:

- Causes of foodborne illness or food spoilage
- Contaminants of food
- Control of foodborne illness, food spoilage and food contamination during pre-harvest production and postharvest processing, distribution, preparation and service to consumers including advances in sanitation and food processing, quality control/assurance, and food protection systems
- Advances in laboratory methods including novel approaches for tracking foodborne pathogens, validation or matrix extensions or sample preparation
- Public health significance of foodborne disease, including outbreak investigation and risk assessment

- The study of pathogenesis and/or microbial ecology
- Food fermentations and food-related probiotics
- Public health policy
- Education and training effectiveness

USDA names new FSIS Food Safety Fellows; special focus on Salmonella

The U.S. Department of Agriculture's Office of Food Safety and the USDA Food Safety and Inspection Service have selected four Food Safety Fellows through the Oak Ridge Institute for Science and Education (ORISE) program. The fellows are students currently working toward their doctoral degrees and have an interest in improving food safety and public health.

During their fellowships, they will learn how to apply their scientific and technical knowledge to inform the Food Safety and Inspection Service (FSIS) decision making and improve the safety of the food supply. They will collaborate with FSIS scientists on projects related to the agency's research priorities.

While the FSIS is not a research funding organization, it recognizes the importance of keeping abreast of the latest scientific endeavors as well as its role in promoting research in areas important to the FSIS mission.

They have three top goals:

Prevent foodborne illness and protect public health

Modernize inspection systems, policies, and the use of scientific approaches

Achieve operational excellence

“The fellowship program at FSIS is part of our vision to lead with science and to

build relationships, by continually fostering our connections with academia,” said USDA Under Secretary for Food Safety Mindy Brashears.

The four fellows are:

Darwin Bandy, University of California – Davis — Darwin will investigate the genes that drive infections from Salmonella Dublin, a bacterial disease that affects dairy cattle. Understanding how the disease spreads can help FSIS focus resources on pathogens of greatest concern.

Aaron Beczkiewicz, Ohio State University — Aaron will analyze data to help design microbial testing programs. He will develop risk factor models for Salmonella contamination using FSIS data for whole chicken carcasses.

Colette Nickodem, Texas A&M University — Colette’s project will examine bacteria-eating viruses as a potential strategy to control Salmonella in beef cattle.

Ilya Slizovskiy, University of Minnesota — Ilya’s research seeks to identify genetic risk factors for antimicrobial resistance in disease-causing microorganisms.

About ORISE

The Oak Ridge Institute for Science and Education is a U.S. Department of Energy asset that is dedicated to enabling critical scientific, research, and health initiatives of the department and its laboratory system by providing world class expertise in STEM workforce development, scientific and technical reviews, and the evaluation of radiation exposure and environmental contamination.

FSA changes blanket guidance on meat shelf life

The Food Standards Agency (FSA) has moved away from a one size fits all approach on shelf life guidance for meat.

The revised guidance covers vacuum packed and modified atmosphere packed (VP/MAP) chilled fresh beef, lamb and pork. It does not apply to meats subject to further processing such as mincing, cooking or mixing with other ingredients like herbs, spices or curing salts.

Existing guidance updated in 2017 puts a shelf life of 10 days on fresh meat. Now, food businesses can set a shelf life for fresh beef, pork and lamb in line with their existing food safety management systems, in the same way they do for other types of food.

The shelf life date on a product will be subject to the business providing supporting evidence to the FSA and local authorities to justify it.

The move is based on expert microbiological advice, epidemiological information on occurrence of botulism, and years of international data on meat products.

Regulator and industry working group

David Lindars, co-chair of an FSA and industry working group and technical operations director of the British Meat Processors Association, said the decision represents modern evidence-based regulation.

“We are confident that this is a proportionate outcome that will benefit consumers and food businesses and help reduce food waste, whilst not compromising food safety,” he said.

The working group also included the British Retail Consortium, Chilled Food

Association (CFA), Northern Ireland Meat Exporters Association and Scottish Association of Meat Wholesalers.

Karin Goodburn, CFA's Director-General, said non-statutory guidance and legislation must have a sound scientific basis and address risk proportionately.

“We are delighted that our previous research and guidance work is seen as setting out the appropriate future approach – it is already the bedrock of standard longstanding industry practice,” Goodburn said. “We look forward to contributing to the next phase of the review of FSA's VP/MAP guidance, which remains unique internationally.”



Change for smaller firms

Processors that have in-house food technicians qualified to interpret scientific information and implement it in the production process can apply the guidance which is effective immediately. For smaller companies without this expertise the

default shelf life is now 13 days instead of 10.

The FSA said it recognizes small and medium-sized businesses may not have the resources or expertise needed.

These firms can use the Advisory Committee on the Microbiological Safety of Food (ACMSF) recommendation for VP/MAP chilled fresh beef, lamb and pork which means they can apply a shelf life of up to 13-days for such products to demonstrate safety in relation to *Clostridium botulinum*.

Rebecca Sudworth, FSA director of policy, said industry is responsible for ensuring food placed on the market is safe.

“Food businesses will be able to follow existing industry guidance to ensure that an appropriate shelf-life is applied to these products, while support will be provided to smaller businesses who may not have this capability by setting a modified 13-day limit,” Sudworth said.

A public consultation on changing the 10-day maximum shelf-life best practice guidance was conducted in October and November. Responses have not yet been published.

The decision was reached alongside Food Standards Scotland (FSS).

Martin Morgan, executive manager for the Scottish Association of Meat Wholesalers, said: “The clear commitment from FSS and FSA to review these controls based on the very latest scientific evidence and expert advice is commendable and an approach we strongly endorse.”

Researchers use compressed carbon dioxide to decontaminate almonds and other nuts

Researchers at the Fraunhofer Institute for Environment, Safety, and Energy Technology UMSICHT have developed a process to kill germs on almonds and nuts by using compressed carbon dioxide to decontaminate food.

The advantage of this process is that almonds retain their characteristic flavor and quality, according to the research report. Almonds are decontaminated and impregnated with antimicrobial oils using compressed carbon dioxide in a high-pressure autoclave. The oil extract coats the almond, making it difficult for germs to contaminate the fruit again. Some types of processing can affect the quality of food, particularly that of plant-based products that are consumed raw.

Without processing, almonds and other nuts may be contaminated with salmonella and these bacteria can spread to dry foods. Low-moisture foods like flour, baking mixes, dried meats, nuts, fruits and cereals are often used as ingredients in food products with almonds, which means that if one supplier faces a recall, many items that used the ingredient could be affected. However, the risk of E.coli, Salmonella and Listeria in dry foods can never be completely eliminated.

Researchers look at Listeria risks in food distribution centers

The Center for Produce Safety awarded more than \$300,000 to a research project that is examining the risk of contamination in distribution center environments by surveying managers and collecting testing samples at their facilities, focusing on potentially high-risk areas, practices and equipment.

The Food and Drug Administration's Preventive Controls for Human Food Rule

requires environmental monitoring programs within registered facilities, this includes distribution centers (DCs) that handle produce.

Products often arrive at the DCs fully packaged and receive minimal handling. But produce is typically packaged in bags or boxes that allow for dissipation of accumulated gas and moisture generated by the produce after harvest. That is the reason the FDA suspects that produce entering DCs is at risk of environmental contamination.

A lack of information exists regarding the likelihood of microbial contamination within DCs. That is why Laurel Dunn, the lead investigator with the University of Georgia, started the research.

“I think the DCs are a little out of sight, out of mind,” she said. “We have been so focused on foodborne outbreaks and what’s happening at the field level or packinghouse wash water and employees and hand hygiene.”

This project is surveying management practices and sampling DCs to determine contamination risk in their environments. The project is focused on the Listeria genus because those bacteria do well indoors and once in a facility, they are difficult to eliminate. The researchers' hope is that the project will yield a set of risk-reduction guidances for DCs.

Dunn's two co-investigators — Laura K. Strawn from Virginia Tech and Ben Chapman from North Carolina State University – have years of experience studying potential foodborne outbreak risks in retail.

Results so far

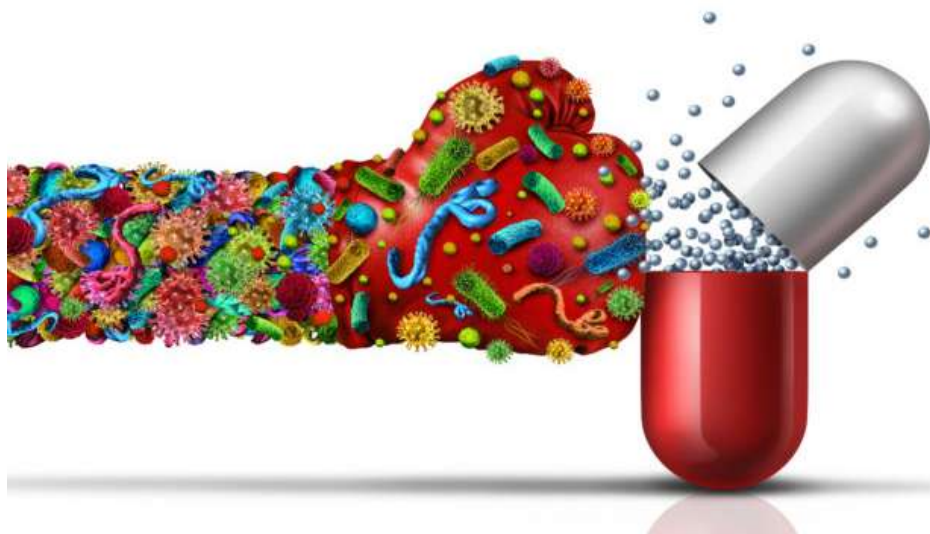
The study is already showing results. As of June 2020, researchers had visited and sampled six DCs. Based on sampling data from the centers, several sites

already appear to be of particular concern regarding *Listeria* spp. harborage. Sponge samples have been collected across all six facilities. Of the samples, 11 tested positive for *Listeria* species. To date, *Listeria* spp. positive samples occur most commonly in floor cracks, seams, and repaired or patched flooring.

Other *Listeria* harborage sites have included distribution and sanitation equipment, such as pallet jack wheels, a squeegee, and a dust mop. These sites have been previously associated with *Listeria* harborage in food facilities. No air impaction samples have indicated the presence of airborne *Listeria*.

“I think given the trends we’re already seeing, we’re already pretty clear there will need to be some written guidances for DC management,” Dunn said. “These will be based on some high-risk areas, practices and/or equipment in DCs that we’ve found in the study.”

Low levels of antimicrobial resistant bacteria *E. coli* in beef and pork sold in UK



Levels of antimicrobial resistant (AMR) *E. coli* in fresh beef and pork are still low, according to a survey published by the Food Standards Agency (FSA).

The study, which was run between January and December 2019, focused on beef and pork. In total, 315 beef and 313 pork samples were collected and tested at retail in the United Kingdom.

Because of a technical issue with selective agar (culture growth medium) affecting some samples tested in December, it was decided to exclude all meat samples in that month from analysis.

Use of antibiotics is important in treating infections and preventing disease in animals and humans. However, overuse or misuse of antimicrobials in animal husbandry and healthcare is linked to the emergence and spread of microorganisms which are resistant to them, making treatment ineffective and posing a risk to public health, according to health officials and researchers.

Low levels detected

Mandatory requirements are set in European regulation for member states to report AMR data for *Salmonella* spp., *Campylobacter jejuni*, indicator commensal *E. coli*, AmpC and extended-spectrum betalactamase (ESBL) *E. coli* and carbapenemase producing *E. coli*.

Less than 1 percent of samples had *E. coli* with the types of AMR being monitored. Only one of the 289 beef samples and three of 285 pork samples were positive for AmpC- or ESBL-producing *E. coli*. None of the counts of *E. coli* in beef and pork were above the detection limit of 100 bacteria per gram of meat on the two agars used.

No carbapenemase-resistant and colistin-resistant *E. coli* were found in any

samples. These are considered critically important antibiotics. None of the isolates were resistant to chloramphenicol, ciprofloxacin, gentamycin, nalidixic acid, temocillin or tigecycline.

The Animal and Plant Health Agency (APHA) worked with Hallmark Veterinary Compliance Services, who arranged sampling, collection and posting of retail meat samples to APHA.

Meat samples came mainly from the UK, but also from Argentina, Belgium, Denmark, the EU (country not stated), France, Germany, Ireland, Netherlands and Spain. The second highest number of beef samples came from Ireland, whilst the second most pork samples were from Germany.

Across the UK, evidence shows the levels of AmpC-/ESBL-phenotype *E. coli* in beef and pork have remained at a low stable level in 2015, 2017 and 2019. Findings compare favorably to results published by the European Food Safety Authority from other countries that did EU monitoring surveys in 2015 and 2017.

Research to fill evidence gap

Paul Cook, FSA's science lead in microbiological risk assessment, said the results were reassuring.

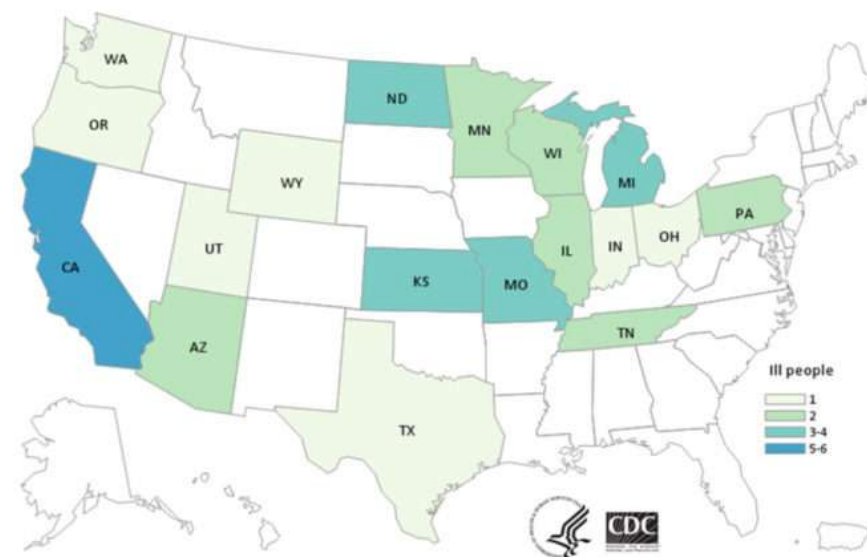
“We will continue our work to fill the evidence gap of the role that food plays in antimicrobial resistance. The risk of getting AMR-related infections through the consumption and handling of contaminated meat is very low, as long as you follow good hygiene and cooking practices,” he said.

FSA has a tender open for a survey of Salmonella, *E. coli* and AMR in frozen, part-cooked breaded or battered poultry products at retail sale in the UK. The deadline is Dec. 11, 2020.

A research project started in July this year is attempting to create a set of templates for AMR risk assessment in the chicken and lettuce supply chain. The work by Ausvet Europe will enable the FSA to produce more efficient and reproducible AMR risk assessments within foods. It is set for completion in January 2022.

Another project is sampling 165 biofilms from secondary meat processing facilities. Data will be used to estimate the contribution of biofilms in meat processing plants to the AMR burden. This work is being done by Fera Science until June 2022.

Almost 40 people now sick in mysterious *E. coli* outbreak; investigation ongoing



There are now 39 people confirmed sick in one of three mystery *E. coli*

O157:H7 outbreaks currently under investigation by federal agencies. Leafy greens are under particular scrutiny.

Since the most recent update from the Centers for Disease Control and Prevention, which was on Oct. 28, there have been 16 people added to the patient tally. The sick people span 18 states. No states have confirmed any deaths in this outbreak. The new numbers are current as of Nov. 19, according to the CDC's Nov. 23 update.

“State and local public health officials are interviewing ill people to determine what they ate and other exposures in the week before they got sick. Of the 22 ill people interviewed to date, all reported eating a variety of leafy greens, like spinach with 16, romaine lettuce with 15, iceberg lettuce with 12, and mixed bag lettuce with 8. No single type or brand of leafy greens or other food item has been identified as the source of this outbreak. CDC is not advising people to avoid any particular food at this time,” according to the outbreak update.

Illnesses started on dates ranging from Aug. 10 through Oct. 23. Ill people range in age from 1 to 85 years, with a median age of 38 years, and 62 percent are female. Of 30 ill people with information available, 19 were hospitalized and four developed hemolytic uremic syndrome (HUS), a type of kidney failure that can be fatal.

Illnesses might not yet be reported because of the time it takes between when a person becomes ill and when the illness is reported. This takes up to four weeks. Please see the Timeline for Reporting Cases of E. coli O157 Infection for more details.

Investigators are continuing to collect different types of data to identify the source of this outbreak.

About E. Coli infections

Anyone who has developed symptoms of E. coli infection should seek medical attention and tell their doctor about their possible exposure to the bacteria. Specific tests are required to diagnose the infections, which can mimic other illnesses.

The symptoms of E. coli infections vary for each person but often include severe stomach cramps and diarrhea, which is often bloody. Some patients may also have a fever. Most patients recover within five to seven days. Others can develop severe or life-threatening symptoms and complications, according to the Centers for Disease Control and Prevention (CDC).

About 5 to 10 percent of those diagnosed with E. coli infections develop a potentially life-threatening kidney failure complication, known as hemolytic uremic syndrome (HUS). Symptoms of HUS include fever, abdominal pain, feeling very tired, decreased frequency of urination, small unexplained bruises or bleeding, and pallor.

Many people with HUS recover within a few weeks, but some suffer permanent injuries or death. This condition can occur among people of any age but is most common in children younger than five years old because of their immature immune systems, older adults because of deteriorating immune systems, and people with compromised immune systems such as cancer patients.

People who experience HUS symptoms should immediately seek emergency medical care. People with HUS will likely be hospitalized because the condition can cause other serious and ongoing problems such as hypertension, chronic kidney disease, brain damage, and neurologic problems.

CSPI/CR request to prohibit nitrate statements put on track for approval

The USDA’S Food Safety and Inspection Service is giving a positive response to a citizen’s petition from the Center for Science in the Public Interest and Consumer Reports.

The two consumer groups by petition asked FSIS in August 2019 “to prohibit the statements, “No Nitrate or Nitrite Added” and “Uncured,” in the labeling of products that have been processed using any source of nitrate or nitrite, including non-synthetic sources, such as celery powder.

“Both synthetic and non-synthetic nitrates and nitrites may cause cancer, and product testing results by Consumer Reports show that processed meats made with celery powder and other non-synthetic sources of nitrates and nitrites can contain residues of these substances, just as do meats that use synthetic sources,” CSPI and Consumer Reports said in their submittal letter.

Survey data from Consumer Reports also showed that consumers are confused by the “No Nitrate or Nitrite Added ” statements, which are currently accompanied by a fine-print disclaimer on product labels identifying the non-synthetic source of nitrates or nitrites e.g. except those naturally occurring in celery powder.”

“After careful consideration of your petition and the 17 public comments submitted to regulations.gov in response to your petition, we have decided to partially grant your request,” FSIS said in its response posted Tuesday on the agency’s website.

“FSIS intends to conduct a rulemaking to propose to prohibit the statements, “No Nitrate or Nitrite Added” and “Uncured,” on products that have been

processed using any source of nitrates or nitrites,” it continued. “FSIS also intends to approve non-synthetic sources of nitrates or nitrites as curing agents. However, rather than requiring disclosure statements about the use of nitrate or nitrites on labels of meat and poultry products, as requested in the petition, FSIS intends to propose to amend and clarify its meat and poultry labeling regulations to establish new definitions for “Cured” and “Uncured.” The basis for these proposed changes would be discussed in detail in the proposed rule, which is listed in the Fall 2020 Semiannual Regulatory Agenda,¹ with a tentative publication date of May 2021.”

Specifically, the CSPI/Consumer Reports petition requested that FSIS:

1. Amend 9 CFR 317.17 and 9 CFR 319.2 to:

2. Prohibit the statements, “No Nitrate or Nitrite Added” and “Uncured,” on

- i. products that have been processed using any source of nitrates or nitrites as a coloring, flavoring, curing agent, antimicrobial, or for similar uses, reserving such claims only for meats that were not processed using nitrates or nitrites;
- ii. Require a disclosure – “Nitrates or nitrites added” – on all products prepared with any sources of nitrates or nitrites as a coloring, flavoring, curing agent, antimicrobial, or for similar uses, in lettering of easily readable style and at least one-half the size and prominence of the product name; and
- iii. Require that ingredients that are used as a source of nitrates or nitrites as a coloring, flavoring, curing agent, antimicrobial or for similar uses be declared as such on the ingredients list, as follows: “[Ingredient](Source of nitrate or nitrite for [use]).” (For example: “Celery powder (Source of

MARKET NEWS

nitrates or nitrites for curing).”

3. Approve non-synthetic sources of nitrates or nitrites, such as celery powder, as curing agents under the process used to list ingredients in FSIS Directive 7120.1, and take steps to minimize levels of residual nitrites, nitrates, and nitrosamines in these products by setting maximum concentrations and requirements for the use of ascorbate or other cure accelerators when nitrates or nitrites are used.

Safety Alerts

Date	Brand Name(s)	Product Description	Product Type	Recall Reason Description	Company Name
12/23/2020	Food Club	Garlic Powder	Food & Beverages	Undeclared Soy	B & G Foods, Inc
12/22/2020	SE Grocers	Party Tray Vegetables with Ranch Dip	Food & Beverages	Undeclared Egg	Country Fresh, LLC
12/18/2020	O&H Danish Bakery	Almond Kringle	Food & Beverages	May contain undeclared pecans	O&H Danish Bakery, Inc.
12/16/2020	Trader Joe's	Frozen Lightly Salted Edamame	Food & Beverages, Foodborne Illness, Vegetable Protein Product	Potential to be contaminated with Listeria monocytogenes	Tesoros Trading Company
12/08/	Publix	Publix	Food &	May contain	George

2020		Bakery 20 OZ Holiday Cookie Platters	Beverages, Allergens, Bakery Product/Mix	undeclared pecans	DeLallo Co., Inc.
12/06/2020	Market of Choice	Sour Cherry Baked Brie	Food & Beverages	Undeclared almonds	Market of Choice
12/04/2020	Canyon Bakehouse	Canyon Bakehouse Mountain White Bread and Canyon Bakehouse Everything Bagels	Food & Beverages	Potential presence of gluten.	Flowers Foods, Inc.
12/01/2020	Cacao Market MarieBelle	Dark Chocolate Pearls	Food & Beverages, Chocolate/Cocoa Product	Undeclared milk	Maribelle Sweets
11/30/2020	Golden Boy	Custard Muffin Original	Food & Beverages	Undeclared milk	Hong Thai Foods Corp.
11/30/2020	Golden Boy	Custard Muffin Pandan	Food & Beverages	Undeclared Milk	Hong Thai Foods Corp.
11/28/2020	Fresh Attitude	Baby spinach	Food & Beverages	Salmonella	Vegpro International
11/25/2020	Prairie Farms	Chocolate milk	Food & Beverages, Allergens,	Undeclared egg	Prairie Farms

			Milk/Milk Product		
11/25/2020	Good & Gather	Banana Chocolate Chip Date & Nut Bar	Food & Beverages, Allergens	Undeclared almonds	Riverside Natural Foods
11/24/2020	The Fresh Market, Good & Gather and more	Organic Basil	Food & Beverages, Foodborne Illness	Possible Cyclospora contamination	Shenandoah Growers, Inc
11/24/2020	HyVee	Short Cuts vegetable mix products	Food & Beverages	Potential to be contaminated with Listeria monocytogenes	Hy-Vee, Inc.

Enterprise News

FDA slams Whole Foods for repeatedly failing to include allergens on labels

Having built itself up to be one of the nation's best known healthy eating grocery chains, Whole Foods Market is on warning from the FDA about repeated problems with allergen labeling on its products.

The warning, posted today but dated Dec. 16, references more than two dozen allergen labeling product recalls initiated by Whole Foods in the 12 months ending Nov. 30. Inspection of the company's records showed milk, eggs, and

tree nuts as examples of some of the allergen mislabeling that have resulted in Whole Foods recalls recently.

“These recalls demonstrate that your corporation engaged in a pattern of receiving and offering for sale misbranded food products. For the time period of October 2019 to November 2020, your firm recalled 32 food products due to undeclared allergen(s). We noticed similar patterns of numerous recalls for undeclared allergens in previous years as well,” according to the warning letter, sent by the FDA's Center for Food Safety and Applied Nutrition

Federal inspectors found the problem while conducting a routine review of recall patterns across the United States.

In its letter to Whole Foods Market President John Mackey, the federal government cited federal law regarding food labeling and laid the problem squarely at his feet.

“You are responsible for investigating and determining the causes of the violations identified above and for preventing their recurrence or the occurrence of other violations. It is your responsibility to ensure your firm complies with all requirements of federal law and implementing regulations,” according to the warning letter.

The FDA allows companies and individuals 15 working days to respond to warning letters. At that point, the agency can, but rarely does, take immediate action including seizure of products and injunctions to shut down operations.

A spokesperson responded almost immediately when Food Safety News contacted Austin-based Whole Foods today. The company did not provide any specific details about how the labeling problem will be addressed.

“Whole Foods Market takes food safety very seriously. We are working closely with the FDA to ensure all practices and procedures in our stores meet if not exceed food safety requirements. We remain committed to maintaining the highest quality standards in the industry,” said the Whole Foods Market spokesperson.

Under the Federal Food, Drug, and Cosmetic Act failure to declare certain allergens on food labels renders the food illegal for sale. Currently, there are eight foods legally considered major allergens and therefore require label disclosure. There is ongoing work to add sesame to the list, which now consists of:

milk

egg

fish

Crustacean shellfish

tree nuts

wheat

peanuts

soybeans

Specific examples of illegal labels

The FDA listed five of the allergen labeling recalls posted by Whole Foods in the past year as examples of types of problems the company needs to address.

Minestrone soup — sold in either clear plastic deli-style containers of various

weights, or in clear plastic bags weighing 7 pounds 12 ounces, because of undeclared milk. In documentation included with an April 21, 2020, email to the government, Whole Foods officials indicated that the mislabeling occurred because an internal labeling system for the repackaging of food products was not updated to reflect the current ingredient listing for the product.

Raspberry cheesecake Italian gelato — sold in 1 pint clear plastic containers with labels that did not include a declaration of eggs. In documentation included with a Dec. 4, 2019, email to the government, company officials indicated that a contract manufacturer packaged a “Butter Cookies & Sweet Cream” Italian gelato product with the incorrect “Raspberry Cheesecake” Italian gelato label thereby causing the product to have the incorrect ingredient declaration and undeclared egg.

Parkerhouse rolls — sold in 12-count clear plastic bags that did not have required labeling regarding eggs and milk. In documentation included with their Oct. 28, 2019 email to the government, company officials indicated that the mislabeling occurred because retail employees applied a label that did not reflect the ingredient listing on the manufacturer’s label. This caused the product to have undeclared milk and eggs.

Chantilly Key Lime Tartlets — packaged individually in plastic clamshells. In documentation included with their July 28, 2020, email to the government, company officials indicated that the mislabeling occurred because the ingredient statement, which included almond flour, on the master carton was not fully transferred to the scale label used for the individual containers.

A variety of products with undeclared eggs — Whole Foods Market El Trigo 12-Month-Old Manchego, El Trigo 6-Month-Old Manchego, Mitica Cordobes,



Artesano Manchego 6 month aged raw Raw Milk - Aged 60 days or more, La Marquesa Herb Manchego Raw Milk - Aged 60 days or more, Mitica La Dama Sagrada Raw Milk - Aged 60 Days or More, Chimay Biere, IL FORTETO Genovese Pesto, Chimay Grand Cru, Lactalis MIMOLETTE Aged 12 Months, Mitica Mahon, and Agriform Piave Vecchio, individually sliced cheese wrapped in plastic wrap with scale label on top. In documentation included with their Aug. 21, 2020, email to the government, company officials indicated that the mislabeling occurred because not all of the chain's regions had updated their scale ingredient statements to include the egg allergen. This caused the product to have undeclared eggs.

Nestle recalls some Lean Cuisine dinners because of several consumer complaints about plastic

The public are being asked to check their freezers for a flavor of Lean Cuisine frozen dinners because consumers have been complaining about pieces of hard plastic in the product. Nestle has launched a nationwide



recall.

The Lean Cuisine baked chicken with mashed potatoes and gravy have “best before” dates in October 2021, according to a recall notice posted by the USDA’s Food Safety and Inspection Service (FSIS). More than 92,000 pounds of product are included in the recall.

“The problem was discovered on December 18, 2020, by the firm, after receiving five consumer complaints involving hard white plastic found in the product. The firm believes the mashed potatoes used in the production of the baked chicken meals products had pieces of a plastic conveyor belt that broke during production,” according to the recall notice.

As of the posting of the recall notice, no confirmed reports of injuries or other adverse reactions had been reported. Anyone who has any of the recalled product should throw it away or take it to the place of purchase for a refund, according to the recall notice.

Nestle reports that the frozen dinners were packaged on Sept. 2. All of them have the USDA establishments number “EST. P-9018” printed on the side of the cases shipped to distribution centers and retailers.

The following information can be used to identify the recalled frozen chicken dinners:

8 5/8-oz. (244g) carton trays of LEAN CUISINE Baked Chicken, white meat chicken with stuffing, red skin mashed potatoes and gravy” with a lot code of 0246595911 and “Best Before” date of October 2021.

Consumers with questions about the recall can contact Nestlé Prepared Foods, at 800-993-8625.

German surveillance finds *E. coli*, *Listeria*, *Campylobacter* in raw milk



German authorities have highlighted the risks of drinking unpasteurized, raw milk after tests found some of it was contaminated with *Listeria*, *Campylobacter* or Shiga toxin-producing *E. coli* (STEC).

The three pathogens were detected in up to 5 percent of about 360 raw milk samples examined, according to the Federal Office of Consumer Protection and Food Safety (BVL).

Results come from 2019 zoonoses monitoring. Federal and state authorities took 6,792 samples at all levels of the food chain and examined them for the most important foodborne pathogens.

In Germany, drinking milk is generally heat-treated before it is sold to consumers. Those such as small children, the elderly, immunocompromised people and pregnant women are advised to not have unpasteurized, raw milk products.

In total, 18 of 368 samples, or almost 5 percent of bulk tank milk, which is untreated milk directly from the producer, was contaminated with STEC. Bacterial isolates often had the *eae* gene — one of the main virulence factors.

Campylobacter was detected in nine of 360 samples of tank milk from dairy cattle farms. *Listeria monocytogenes* was present in 11 of 369 samples but *Salmonella* was not found in 370 samples.

ESBL or AmpC-producing *E. coli* were detected in 10.1 percent, or 37 of 368, samples of tank milk using selective methods.

BVL recommended that milk from the farm is boiled before consumption to kill germs.

Salmonella and *Campylobacter* in other products

Salmonella was detected in four of 420 samples of unprocessed fish such as tilapia and pangasius. Three of 473 samples of fresh beef sold at retail was contaminated. Two of 515 samples of fresh conventional pork and two of 357 samples of fresh organic pork were positive. Retail fresh ground pork had a *Salmonella* contamination rate of eight of 429 samples.

A total of 79 isolates were available for typing and they belonged to 16 serovars. The most common were *Salmonella* Typhimurium, including its monophasic variant and *Salmonella* Derby.

The detection rate of *Campylobacter* in fresh retail chicken was 46.4 percent of 472 samples, which is about the same as previous years. Three samples had more than 100 CFU/g with the highest bacterial count being 600 CFU/g.

There has still been little progress in reducing *Campylobacter* on broiler carcasses. A process hygiene criterion was introduced in 2018 but the proportion

of neck skin samples with *Campylobacter* counts of higher than 1,000 colony forming units per gram was about the same as previous years, at 23.4 percent. Currently 30 percent of samples at the slaughterhouse can exceed this level but this will drop to 20 percent by 2025.

Prevalence of other pathogens

With 31 of 420 positive samples, STEC was frequently detected in ground pork. From retail fresh beef, 21 of 472 samples were positive. STEC was only found once in 399 samples of frozen parsley and four times in 321 samples of fresh baby spinach.

In total, 241 isolates belonged to 49 different O serogroups with O55 and O2 most frequently represented. *E. coli* O157 was detected six times.

Imported fish such as tilapia and pangasius was often contaminated with *Listeria monocytogenes* with 139 of 420 being positive samples. *Listeria monocytogenes* was also detected in five of 400 samples of frozen parsley from retail, wholesale or import points.

Yersinia enterocolitica was found in 14 of 511 samples of fresh conventional pork sold at retail or wholesale and six of 355 samples of organic pork. *Vibrio* was detected in nine of 399 samples of unprocessed freshwater fish from aquaculture such as tilapia and pangasius.

New York becomes third state to ban PFAS chemicals in food packaging



New York Gov. Andrew Cuomo has signed legislation that will help protect consumers from the harmful effects of a dangerous class of chemicals linked to serious health problems, according to Consumer Reports.

The new law drafted by Assemblymember Patricia Fahy and Sen. Brad Hoylman bans polyfluoroalkyl substances (PFAS), sometimes called “forever chemicals” because they do not break down easily and persist in human bodies and the environment.

“PFAS chemicals are pervasive in food packaging and have been linked to serious health problems that can put consumers at risk,” said Michael Hansen, Ph.D., senior scientist for Consumer Reports. “This law will protect New Yorkers by reducing their exposure to PFAS in the food they eat and by curbing the amount that contaminates the air and drinking water.”

PFAS chemicals have been in wide use since at least the 1950s and studies of the U.S. population have found them in 95 percent of all people tested. Some manufacturers add PFAS to food packaging to make it water and grease-resistant. Unfortunately, it also contaminates the food it comes into contact with and can be released into the environment when manufacturers dispose of materials containing the chemicals.

The Food and Drug Administration recently reported that it had detected PFAS in a variety of foods purchased around the country, including produce, meats and seafood, and chocolate cake. People are exposed to PFAS when they consume food or drinking water contaminated with the chemicals.

Studies have shown that exposure to PFAS chemicals is associated with immunotoxicity, cancer, thyroid disease, birth defects, and decreased sperm quality. PFAS exposure reduces the immune response to childhood vaccines and may increase the risk of infectious disease. In addition, PFAS exposure has been directly linked to several underlying conditions that make people more vulnerable to severe symptoms of COVID-19, including obesity, asthma, kidney disease, and high cholesterol.

New York now joins Washington state and Maine, which have already prohibited PFAS in food packaging.

Safer alternatives to PFAS have proven to be as effective at repelling water and grease.

“We applaud Gov. Cuomo for signing this bill into law and making New York a leader in the effort to protect the public from hazardous forever chemicals,” said Chuck Bell, advocacy program director for Consumer Reports.

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