MARKET NEWS

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Mérieux NutriSciences

BETTER FOOD. BETTER HEALTH. BETTER WORLD.

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Focus on China

Chinese vice-premier urges food safety

BEIJING -- Chinese Vice-Premier Han Zheng has called for efforts to ensure food safety with full implementation of related policy requirements.

Han, also head of the food safety commission of the State Council, made the remarks while presiding over a meeting of the commission on Wednesday.

China has been dealing with food safety issues with the most rigorous standards, the most stringent supervision, the most severe penalties, and the most serious accountability.

More efforts should be made to strengthen the mechanism of discovering food safety issues, improve food safety laws and regulations, and enhance governance, he said.

For the upcoming Spring Festival, Han called for more concrete and detailed work to ensure food safety during the holiday, urging market players and local regulators to keep a close eye on food production and processing, sales, catering services, and other links.

International News

FDA Releases Draft Guidance on Labeling of Plant-Based Milk Alternatives

Today, the U.S. Food and Drug Administration (FDA) issued, for comment, draft guidance to help ensure appropriate labeling of plant-based products that are marketed and sold as alternatives to milk (plant-based milk alternatives, or PBMA). This draft guidance will provide industry with recommendations that will result in clear labeling to empower consumers with information to help them make more informed purchasing decisions. It also clarifies that the common or usual names of some PBMA have been established by common usage, and these names include “soy milk” and “almond milk.”

The FDA recommends that PBMA products that are labeled with the term “milk” in their names, such as “soy milk” or “almond milk,” and that have a nutrient composition that is different than milk, include a voluntary nutrient statement that conveys how the product compares with milk based on USDA’s Food and Nutrition Service (FNS) fluid milk substitutes nutrient criteria. These statements will help consumers make informed dietary choices when it comes to understanding certain nutritional differences between plant-based products that are labeled with “milk” in their names and milk. If a PBMA is not labeled with “milk” as part of its name, but instead is labeled with another term like “beverage” or “drink” and does not make a claim comparing the product to milk, then the voluntary nutrient statement recommendations in the draft guidance do not apply.

In 2018 the FDA issued notice soliciting comments from the public to gain insight

into how consumers use PBMA products and how they understand the term "milk" when included in the names of products made, for example, from soy, peas and nuts. The agency received more than 13,000 comments.

After reviewing these comments and conducting focus group studies with consumers, the FDA determined that consumers generally understand that PBMA do not contain milk and choose PBMA because they are not milk. However, many consumers may not be aware of the nutritional differences between milk and PBMA products. For example, almond or oat-based PBMA products may contain some calcium and be consumed as a source of calcium, but their overall nutritional content is not similar to milk and fortified soy beverages and thus they are not included as part of the dairy group in the Dietary Guidelines, 2020-2025. Both the public comments and focus groups helped inform the agency on its recommendations in this draft guidance.

To Submit Comments:

Comments on the draft guidance should be submitted within 60 days after publication in the *Federal Register*. You may submit electronic comments to Regulations.gov. All written comments should be identified with the docket number FDA-2023-D-0451 and with the title of the guidance document.

New FDA Food Code Reduces Barriers to Food Donations

The U.S. Food and Drug Administration's (FDA) recently released 2022 Food Code helps reduce barriers to food donations by clarifying for the first time that food donations from retail food establishments are acceptable as long as proper food safety practices are followed. This addition in the Food Code is part of the Biden-Harris Administration's National Strategy on Hunger, Nutrition, and Health. The National Strategy provides a roadmap of actions the federal government will take to end hunger and reduce diet-related diseases by 2030 – all while reducing disparities. The National Strategy was released in conjunction with the first White House Conference on Hunger, Nutrition, and Health in over 50 years, hosted by President Biden on September 28, 2022.

The FDA encourages donation of food that is stored, prepared, packaged, displayed, and labeled according to applicable provisions contained in the Food Code or local, state and federal statutes, regulations, and ordinances. One-third of all food in the U.S. goes uneaten. Wasted food is the single largest category of material placed in municipal landfills and represents nourishment that could have helped feed families in need. While the Food Code never prohibited such donation practices, this update will make it more explicitly clear that such practices are acceptable.

The Conference for Food Protection is the main forum for all retail stakeholder groups, including government, industry, consumers, and academia, to contribute to updating the Food Code, which represents the FDA's best advice for a uniform system of provisions that address the safety and protection of food offered at retail and in food service. While it is a model code that is not required, it has been widely adopted by state, local, tribal and territorial agencies that regulate more than one million restaurants, retail food stores, vending operations and food service operations in schools, hospitals, nursing homes, and

childcare centers.

The FDA works with the U.S. Department of Agriculture and the U.S. Environmental Protection Agency on reducing food loss and waste. The FDA has worked with the Conference for Food Protection on its Comprehensive Guidance for Food Recovery Programs and is planning educational materials for retailers on safely donating food.

Members of the FDA's National Retail Food Team are available to assist regulatory officials, educators, and the industry in their efforts to adopt, implement, and understand the provisions of the FDA Food Code and the Retail Program Standards.

FDA Provides Guidance on Protein Quality Studies for Infant Formula

The U.S. Food and Drug Administration (FDA) has issued **draft guidance** to manufacturers of infant formula and laboratories conducting testing on infant formula to help them in the design, conduct, evaluation, and reporting of Protein Efficiency Ratio (PER) rat bioassay studies. Sufficient biological quality of protein is one of many factors FDA considers in evaluating a new infant formula submission. Protein quality is important as infant formula is often a sole source of nutrition, including protein, for infants.

The draft guidance details modifications to the PER rat bioassay method from AOAC International (formerly the Association of Official Analytical Chemists) that are appropriate to demonstrate to the FDA that a new infant formula meets the quality factor of sufficient biological quality of protein. This draft guidance is one of the steps the FDA is taking to assist manufacturers, including those who would be new entrants to the U.S. infant formula market, by providing information that firms can consider when developing a new infant formula submission for FDA review. Providing information to assist manufacturers with their new infant formula submissions supports a more resilient infant formula industry.

Submit electronic comments to https://www.regulations.gov to docket number FDA-2022-D-2424. Written comments should be submitted to:
Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852.
All comments should be identified with the docket number FDA-2022-D-2424.

FDA Announces Qualified Health Claim for Cocoa Flavanols in High Flavanol Cocoa Powder and Reduced Risk of Cardiovascular Disease

The U.S. Food and Drug Administration (FDA) announced today in a letter of enforcement discretion that it does not intend to object to the use of certain qualified health claims regarding the consumption of cocoa flavanols in high flavanol cocoa powder and a reduced risk of cardiovascular disease for conventional foods, provided that the qualified claim is appropriately worded so as not to mislead consumers and that other factors for the use of the claim are met.

The FDA responded to a health claim petition submitted on behalf of Barry Callebaut AG Switzerland. The petition requested that the FDA review a qualified health claim about the relationship between the consumption of cocoa flavanols in high flavanol cocoa powder and a reduced risk of cardiovascular disease. A health claim characterizes the relationship between a substance and a disease or health-related condition.

After reviewing the petition and other evidence related to the proposed health claim, the FDA determined that there is very limited credible scientific evidence for a qualified health claim for cocoa flavanols in high flavanol cocoa powder and a reduced risk of cardiovascular disease. This letter also discusses the factors that the FDA intends to consider in the exercise of its enforcement discretion for the use of a qualified health claim in conventional foods and the relationship between the consumption of cocoa flavanols in high flavanol cocoa powder and a reduced risk of cardiovascular disease.

The FDA intends to exercise enforcement discretion for the following qualified health claims regarding cocoa flavanols in high flavanol cocoa powder when used in the labeling of conventional foods consistent with the letter of enforcement discretion:

- "Cocoa flavanols in high flavanol cocoa powder may reduce the risk of cardiovascular disease, although the FDA has concluded that there is very limited scientific evidence for this claim."
- "Cocoa flavanols in high flavanol cocoa powder may reduce the risk of cardiovascular disease. The FDA has concluded that there is very limited scientific evidence for this claim."
- "Very limited scientific evidence suggests that consuming cocoa flavanols in high flavanol cocoa powder, which contains at least 4% of naturally conserved cocoa flavanols, may reduce the risk of cardiovascular disease."
- "Very limited scientific evidence suggests that consuming cocoa flavanols in high flavanol cocoa powder, which contains at least 4% of naturally conserved cocoa flavanols, may reduce the risk of cardiovascular disease. This product contains at least 4% of naturally conserved cocoa flavanols. See nutrition information for_____ and other nutrients."

This qualified health claim only applies specifically to cocoa flavanols in high flavanol cocoa powder and foods that contain high flavanol cocoa powder. The claim does not apply to regular cocoa powder, foods containing regular cocoa powder, or other food products made from cacao beans, such as chocolate.

EU eases melon rules but tightens checks on vanilla extract from U.S.

The European Commission has relaxed checks on melons from Honduras but added controls for vanilla extract from the United States.

Changes were made as part of updated legislation on the rate of official controls and emergency measures for food of non-animal origin imported into Europe. Rules are modified every six months.

Decisions are based on notifications made in the Rapid Alert System for Food and Feed (RASFF) portal and information from documentary, identity and physical checks by member states in the first part of 2022.

Requirements for checks on 10 percent of Galia melons from Honduras, put in place in January 2022 after a multi-country Salmonella Braenderup outbreak, have been removed. In 2021, 350 people fell sick, mostly in the UK but there were four cases in the United States and two in Canada.

Ethylene oxide and food dyes

Consignments of vanilla extract from the United States will need to be accompanied by an official certificate stating that results of sampling show compliance with EU rules on maximum residue levels for ethylene oxide. Shipments dispatched before mid-February can enter the EU until April 16 without this certificate. However, they will be subject to checks at a frequency of 20 percent.

Other ethylene oxide-related changes include food supplements containing botanicals from South Korea, locust bean products from Morocco and Malaysia, tomato ketchup and other tomato sauces from Mexico and calcium carbonate from India.

Betel leaves from India have had an increased level of official controls and special conditions because of the risk of Salmonella contamination since January 2019. However, they have not been imported into the EU for three years so this has been modified to checks on 30 percent of shipments.

Sesame seeds from Nigeria have been subject to a higher level of controls because of Salmonella since July 2017. Half of consignments will now need to be checked and include an official certificate showing compliance with EU laws. Possible Salmonella contamination means sesame seeds from Türkiye will be checked at a frequency of 20 percent.

Increased controls on turnips from Lebanon have been in place since July 2018 because of the risk of contamination by Rhodamine B, which is a dye that should not be used in food. The rate of checks is at 50 percent and batches will need to include an official certificate showing compliance with EU rules. However, tighter checks on turnips from Syria due to Rhodamine B have been removed.

Controls on palm oil from Côte d'Ivoire for Sudan dyes have been set at a frequency of 20 percent. These dyes are used to color non-food products and are not permitted in food in the EU.

Mycotoxin modifications

There is no change to the 20 percent frequency of checks on peanuts, peanut butter and peanut paste for aflatoxins from the United States.

Groundnut, also known as peanut, products from Argentina have been checked at a higher frequency for aflatoxins since October 2019 but better compliance has resulted in this measure being removed.

A high rate of non-compliance means groundnut products from Bolivia will need an official certificate showing results of compliance with EU rules and will be checked at a frequency of 50 percent.

Brazil nuts from Brazil no longer need an official certificate showing compliance but will be checked at a rate of 50 percent for aflatoxin.

The frequency of checks on rice from Pakistan for aflatoxin and Ochratoxin A has been increased to 10 percent. Controls on some peppers from India due to aflatoxin have been reduced to 10 percent.

Dried fig products from Türkiye will be assessed for aflatoxin at a frequency of 30 percent. Contamination by pyrrolizidine alkaloids means cumin seeds and dried oregano from Türkiye will have to be checked at a level of 20 percent.

- This article was updated to reflect a correction to the regulations made by the European Commission

FDA Issues Procedural Notice on Consumer Research on Front-of-Package Labeling

The U.S. Food and Drug Administration has issued a 60-day procedural notice on its plans to conduct a study entitled "Quantitative Research on Front of Package Labeling on Packaged Foods." As part of the Paperwork Reduction Act, federal agencies are required to publish notice in the Federal Register on each proposed information collection to give the public the opportunity to comment.

The FDA is conducting this consumer research to help explore the development of a front-of-package labeling scheme, which is part of the National Strategy on Hunger, Nutrition, and Health, issued at the White House Conference held in September 2022. Front-of-package labeling is intended to complement the Nutrition Facts label on packaged foods by giving consumers additional context to help them identify healthy food selections. A standardized, science-based scheme could help consumers, particularly those with less nutrition knowledge, quickly and easily identify foods that are part of a healthy eating pattern. A variety of front-of-package labeling systems have been adopted in countries world-wide.

The U.S. continues to face an epidemic of diet-related chronic diseases, many of which are experienced disproportionately by racial and ethnic minority groups, those with lower socioeconomic status, and those living in rural areas. To help address this problem, the FDA is continuing to prioritize its nutrition activities to help empower consumers with nutrition information to identify healthier choices more easily and encourage industry innovation to produce healthier foods. The consumer research we are announcing today is part of our continuing effort to help enable consumers to make informed dietary choices and construct healthful diets.

The FDA is seeking comment on ways to enhance the quality, usefulness, and clarity of the information to be collected. Comments on the notice are due 60 days following publication in the *Federal Register*. Submit comments electronically to https://www.regulations.gov, to Docket No. FDA-2023-N-0155. Submit written comments to the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All submissions received must include Docket No. FDA-2023-N-0155.

Enterprise News

2.5 million pounds of Kroger, Great Value, Goya, and more brands of canned meat recalled over packaging defect

Conagra Brands Inc., of Fort Madison, IA, is recalling more than 2.5 million pounds of canned meat and poultry products because of a packaging defect that may cause the products to become contaminated without showing any outward signs of contamination, the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) announced.

Recalled brands include Armour, Kroger, Goya, Prairie Belt, Hargis House, Grace, and Great Value.

The problem was discovered when the company notified FSIS after observing spoiled and/or leaking cans from multiple production dates at the establishment's warehouse.

A subsequent investigation by the establishment determined that the cans subject to recall may have been damaged in a manner that is not readily apparent to consumers, which may allow foodborne pathogens to enter the cans.

FSIS is concerned that some products may be on retail shelves or in consumers' pantries.

The meat and poultry products were produced between Dec. 12, 2022, and Jan. 13, 2023. These items were shipped to retail locations nationwide.

Recalled products:

- The products subject to recall bear the establishment number "P4247" on the product cans.
- Labels and product codes can be viewed here.

As of the posting of this recall, there have been no confirmed reports of adverse reactions due to the consumption of these products. Anyone concerned about an injury or illness should contact a healthcare provider.

Consumers who have purchased these products are urged not to consume them. These products should be thrown away or returned to the place of purchase.

Ready-to-eat sausages recalled after inspection finds Listeria on production surfaces

Daniele International LLC, of Mapleville, RI, is recalling 52,914 pounds of ready-to-eat (RTE) sausage products because of Listeria monocytogenes contamination, according to a U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) announcement.

FSIS discovered the problem during routine inspection activities where Listeria monocytogenes was found on surfaces where the product came into contact. With sell by dates through 2023, FSIS is concerned that some product may be in consumers' refrigerators or freezers.

The ready to eat sausage products were produced on various dates from May 23, 2022, through Nov. 25, 2022, and shipped to retail locations nationwide on various dates from Dec. 23, 2022, through Jan. 17, 2023.

Recalled products:

- 6-oz. plastic tray of "FREDERIK'S by meijer SPANISH STYLE charcuterie sampler tray" with sell by date 4/15/23.
- 6-oz. plastic tray of "Boar's Head CHARCUTUERIE TRIO" with sell by dates 4/13/23, 4/14/23, and 4/15/23.
- 7-oz. plastic tray of "COLAMECO'S PRIMO NATURALE GENOA UNCURED SALAMI" with sell by date 12/23/23.
- 7-oz. plastic tray of "COLAMECO'S PRIMO NATURALE BLACK PEPPER UNCURED SALAMI" with use by dates 12/22/23, 12/30/23, and 1/17/24.
- 1-lb. plastic tray of "DEL DUCA SOPRESSATA, COPPA & GENOA SALAMI" with sell by dates 4/13/23 and 4/14/23.
- 1-lb. plastic tray of "DEL DUCA CALABRESE, PROSCIUTTO & COPPA" with sell by date 5/6/23.
- 1-lb. plastic tray of "DEL DUCA GENOA SALAMI, UNCURED PEPPERONI & HARD SALAMI" with use by date 5/4/23.
- 12-oz. plastic tray of "Gourmet Selection SOPRESSATA, CAPOCOLLO, HARD SALAME" with sell by date 4/14/23.

The products subject to recall have establishment number "EST. 54" printed inside the USDA mark of inspection on this labels. These items were shipped to retail locations nationwide.

As of the posting of the recall, there had been no confirmed reports of adverse reactions related to consumption of these products. Anyone concerned about an injury or illness should contact a healthcare provider.

Consumers who have purchased these products are urged not to consume them. These products should be thrown away or returned to the place of purchase.

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