

# MARKET NEWS

December 2023



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2023

## HAPPY NEW YEAR !

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Better Food,  
Better Health and,  
above all, a Better World!

MERIEUX NUTRISCIENCES(CHINA)

BETTER FOOD. BETTER HEALTH. BETTER WORLD.

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## ***Focus on China***

### **Revisions to nation's food security law to improve food production techniques**

The latest draft revisions to the nation's food security law seek to promote the adoption of yield-boosting growing techniques, machines and infrastructures.

The proposed changes were unveiled in a report submitted to the Standing Committee of the National People's Congress, the nation's top legislature, for review on Monday.

The report said that after extensive research, lawmakers saw the need for the law to clarify its terms that cutting-edge technologies, equipment and devices must be promoted in the food production sector as part of the country's drive to bolster national food security with more technology input.

Lawmakers also suggested adding provisions over stepping up the construction of irrigation and flood control facilities, according to the report.

Proposed additions also include likes of more support for the farming machine industry and promotion of intercropping and crop rotating practices to boost yield in a given plot of land, it said.

### **China sees drop in foodborne disease outbreaks**

BEIJING -- China has witnessed a notable decline in outbreaks of foodborne diseases, signaling positive progress on food-safety management, according to the country's National Health Commission.

The achievement is attributed to the implementation of a national food-safety risk-monitoring program, Cao Xuetao, deputy head of the NHC, said on Tuesday.

Foodborne diseases, commonly known as food poisoning, represent a critical global public health concern.

In recent years, the NHC has introduced three major monitoring systems to improve awareness of food-safety risks. These systems focus on monitoring individual cases of foodborne diseases, tracking outbreaks of such diseases, and establishing a molecular traceability network to identify the sources of foodborne illnesses.

According to the monitoring data from the China National Center for Food Safety Risk Assessment, over 46,000 cases of foodborne disease outbreaks were reported nationwide from 2010 to 2022, primarily in households and catering establishments.

Among them, household outbreaks were mainly due to accidental ingestion of wild poisonous mushrooms and contamination by pathogenic bacteria. In dining establishments, the emphasis should be on preventing bacterial foodborne diseases.

### Damage limits in food safety lawsuits upheld

The Supreme People's Court has thrown its weight behind consumers in supporting their legitimate food safety rights, but it said the support comes with a few specific limitations.

The top court made the remarks on Thursday last week in the wake of a rise of a controversial phenomenon in China, where some consumers knowingly purchase food that does not meet safety standards and subsequently sue the food producers or sellers, to inflate their compensation.

According to the Food Safety Law, consumers are allowed to initiate lawsuits to demand compensation from food producers or sellers, along with punitive damages, if it is discovered that the food they bought does not meet safety standards. The punitive damages can be up to 10 times the purchase price of the food.

Xie Yong, a judge from the top court's No 1 Civil Adjudication Tribunal, said that the root of such lawsuits lies in the production and sale of food that does not meet safety standards, so it is justifiable for courts to crack down on the behavior.

However, Xie said that the courts have also discovered that some consumers are exploiting the provision in the law to buy goods in quantities that far exceed their actual consumption needs so that they could ask for larger amounts of punitive damages by litigation.

"Their demands in such a situation should not be supported by courts," Xie added.

In a case disclosed by the top court on Thursday, a consumer surnamed Sha bought 30 boxes of cookies online and found that the food did not meet safety standards after receiving them. Instead of turning to the court immediately, Sha bought an additional 200 boxes over the next two months and then initiated a lawsuit against the food seller.

In addition to asking the seller to return the payment of 4,176 yuan (\$585), Sha also demanded punitive damages of 41,760 yuan.

After a trial, the court supported offering compensation and punitive damages to Sha for the first 30 boxes of the cookies purchased because the number of boxes met the plaintiff's reasonable consumption needs.

However, the court did not support Sha's claim for a refund and punitive damages for the other 200 boxes purchased, stating that those boxes far exceeded normal consumption needs.

"The ruling not only protected food safety but also maintained the market order for food production and operation," Xie said.

Discussing punitive damages as a measure to resolve food problems, Xie added that Chinese judges will also continue to work with prosecutors and government officials to guarantee food safety through public-interest litigation as well as administrative and

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criminal punishments.

Data released by the top court on Thursday showed that Chinese judicial authorities dealt with over 45,000 criminal cases related to the production and sale of food that did not meet safety standards or were even toxic or harmful from 2013 to 2022, during which more than 62,000 people were charged with related crimes.

### **Vice-Premier stresses efforts to ensure food safety**

BEIJING -- Vice-Premier Zhang Guoqing on Tuesday called for continued efforts to ensure food safety and better meet the people's new demand for safe, nutritious and healthy food.

Zhang, also a member of the Political Bureau of the Communist Party of China Central Committee, made the remarks at an event in Beijing marking this year's food safety publicity week.

While the overall food safety situation in China remains stable and continues to improve, more should be done to innovate regulatory methods, step up supervision, and set harsh punishments for food safety violations, Zhang said.

China will improve its food traceability system and strengthen supervision at all levels -- from farms to dining tables, Zhang said.

Institutional improvements to food safety work will be achieved in various areas, including lawmaking, the creation of standards, and testing, Zhang said, adding that efforts will also be made to enhance



the monitoring and assessment of risks, as well as emergency response measures.

## ***International News***

### **FDA Issues Supplemental Response on the Labeling of D-tagatose on the Nutrition Facts Label**

The U.S. Food and Drug Administration (FDA) has issued a [supplemental response](#) to the citizen petition dated April 18, 2018, from Bonumose, Inc., regarding the percent Daily Value (%DV) declaration for added sugars for products containing D-tagatose. D-tagatose must be declared as an added sugar on the Nutrition Facts label, but it contains fewer calories than sucrose, or table sugar.

The FDA's original response, issued May 18, 2022, indicated that the agency would not object to the use of 1.5 calories per gram (kcal/g) for D-tagatose when determining "Calories" on the Nutrition Facts label.

The FDA's supplemental response states that it intends to exercise enforcement discretion if the added sugars %DV declaration on the Nutrition Facts label for products containing D-tagatose is adjusted based on a calorie contribution of 1.5 kcal (calories) per gram of the sweetener, rather than the 4 kcal/g that is the basis for the value in the regulations, pending future rulemaking.

The FDA has determined that it is premature to finalize an overarching

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strategy for calculating the %DV on the Nutrition Facts label for all sugars such as D-tagatose because many sugars metabolized differently than traditional sugars are in the early stages of development, and the agency has limited information at this time regarding the range or uniformity of the caloric values for these other sugars.

### **FDA Completes Final Administrative Actions on Partially Hydrogenated Oils in Foods**

The U.S. Food and Drug Administration is issuing a [direct final rule](#) to complete administrative actions that reflect the agency's June 2015 final determination that the use of partially hydrogenated oils (PHOs) in foods is no longer Generally Recognized as Safe (GRAS). In the 2015 final determination, the FDA indicated that there were outdated references to PHOs in regulations that the FDA would address separately. With respect to removing PHOs from the food supply, the FDA established January 1, 2021, as the final compliance date to allow manufacturers time to reformulate foods and ensure an orderly transition in the marketplace.

The FDA's actions regarding PHOs address artificial sources of trans fat, but trans fat will not be completely removed from the food supply because it occurs naturally in meat and dairy products and is present at very low levels in other edible oils.

The direct final rule:

- Revises regulations to no longer include PHOs as an optional ingredient in the standards of identity for peanut butter and canned tuna
- Revises FDA GRAS affirmation regulations to no longer include partially hydrogenated forms of menhaden and rapeseed oils
- Revokes the regulation for partially hydrogenated fish oil as an indirect food substance
- Revokes pre-1958 authorization for using PHOs in margarine, shortening, and bread, rolls and buns. This authorization occurred before the enactment of the Food Additives Amendment of 1958 so these uses of PHOs could not be regulated as food additives.

The FDA is issuing these amendments directly as a final rule because it anticipates no significant adverse comments because FDA declared PHOs no longer GRAS for any human food in 2015. However, the agency is issuing a [companion proposed rule](#) in the same issue of the Federal Register in case the direct final rule is withdrawn because significant adverse comments are received, and the agency needs to move forward with a proposed rule to put these changes in place.

The FDA is accepting comments on both the direct final and proposed rules. Comments must be submitted by 75 days after publication in the Federal Register.

Submit electronic comments at <https://www.regulations.gov/>.

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Submit written comments to:

Dockets Management Staff (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, room 1061  
Rockville, MD 20852

The direct final rule would be effective 135 days after the date of publication in the Federal Register.

### **FDA Announces Availability of Draft Supplemental Guidance on Menu Labeling**

The U.S. Food and Drug Administration (FDA) is announcing the availability of a [draft guidance for industry entitled Menu Labeling: Supplemental Guidance for Industry \(Edition 2\)](#). To respond to frequently asked questions regarding menu labeling requirements, the draft guidance, once finalized, will update the [existing guidance](#) and addresses the voluntary declaration of added sugars and the voluntary declaration of nutrition information for menus on third-party platforms.

On November 6-8, 2023, the FDA hosted a virtual public meeting and listening session to explore what federal agencies, communities, and private industry are doing to encourage the reduced consumption of added sugars. Issuing this draft guidance is one important step that the FDA can take to make progress towards this goal.

In 2014, the FDA finalized a rule requiring that covered establishments list calorie information on menus and menu boards for standard menu items and provide additional written nutrition information on request, including information on total fat, saturated fat, trans fat, cholesterol, sodium, total carbohydrates, fiber, sugars, and protein.

Encouraging covered establishments to voluntarily include added sugars as part of the additional written nutrition information currently required will align the draft guidance with the [requirement that added sugars be declared](#) on the Nutrition Facts label for packaged foods. Additionally, with the popularity of third-party platforms, such as third-party online ordering websites and delivery applications, the guidance discusses the voluntary use of the menu labeling requirements, such as calorie disclosures for standard menu items, to help consumers make informed decisions when ordering their meals online. The new questions proposed by the draft guidance are 5.8 and 7.5.

Submit comments on the new questions proposed by the draft guidance within 60 days after publication in the *Federal Register* to ensure that they are considered before work begins on the final version of the guidance. Submit electronic comments to [www.regulations.gov](http://www.regulations.gov) to docket number [FDA-2011-F-0172](#). Written comments should be submitted to the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852. All written comments should identify the

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docket number FDA-2011-F-0172.

### **FDA Rolls Out Third Wave of New FAQs and Tools for the Food Traceability Rule to Assist Stakeholders**

Today, the agency rolled out new tools and FAQs that will continue to inform stakeholders about the [Food Traceability Rule](#) and help covered entities come into compliance.

The Food Traceability Rule is designed to facilitate faster identification and rapid removal of potentially contaminated food from the market, resulting in fewer foodborne illnesses and deaths. Foods subject to the final rule's requirements appear on the [Food Traceability List](#) (FTL).

Featured in this update are the following:

- New webpage about traceability lot codes, including examples of how Key Data Elements (KDEs) could appear on invoices and bills of lading
- Video highlighting some technological components of product tracing systems
- Examples of a traceability plan
- New Frequently Asked Questions (FAQs)
- New supply chain examples for deli salads



- Information on how to apply for a waiver or exemption, if eligible

These featured tools are accessible from the FDA's [traceability webpage](#), along with:

- Supply chain examples for different commodities
- Fact sheets
- Guide to *Getting Started with the Food Traceability Rule*
- Translations of the codified portion of the rule as well as many of the supporting materials and tools
- Interactive tool that explains Critical Tracking Events and Key Data Elements
- Interactive tool that identifies partial and full exemptions to the rule
- FAQs

The compliance date for all persons subject to the Food Traceability Rule is January 20, 2026. In September, FDA [announced](#) that routine inspections under the Food Traceability Rule will not begin until 2027, to give covered entities additional time to work together and ensure that traceability information is being maintained and shared within supply chains per the requirements of the rule.

The rule is a key component of the FDA's [New Era of Smarter Food](#)



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[Safety Blueprint](#) and implements Section 204(d) of [the FDA Food Safety Modernization Act \(FSMA\)](#).

### **German controls highlight poultry meat, olive, and allergen issues**

Germany has revealed results from several control programs looking at poultry meat, olives, raw milk cheese, and squid.

As part of 2022 zoonoses monitoring, Campylobacter and Salmonella were detected more often in fattening ducks than in broiler chickens. It was the first time ducks had been included in testing, according to the Federal Office of Consumer Protection and Food Safety (BVL).

More Campylobacter was found in fresh duck meat than in fresh chicken meat. When tested for Salmonella, the contamination rate of duck meat was 5.1 percent, similar to that of chicken. Results showed that duck meat — like other types of poultry — should only be consumed thoroughly cooked and that strict kitchen hygiene must be observed during preparation.

### **Campylobacter and Salmonella in meat**

43,166 Campylobacter infections were reported to the Robert Koch Institut (RKI) in 2022. This is below the 48,130 cases in 2021 and down from 61,526 in 2019, before the COVID-19 pandemic.

The contamination rate of fresh chicken meat was 46 percent, with 225 of 489 samples being positive. Campylobacter was detected using

a quantitative method in 10 of 477 samples, with the highest bacteria count being 100 colony-forming units per gram (CFU/g).

The contamination rate of fresh duck meat was 60.6 percent, with 226 of 373 samples being positive. For retail fresh turkey meat, 44 of 413 samples were positive.

A total of 9,013 salmonellosis cases were reported to the RKI in 2022. This is more than 8,220 infections in the previous year but lower than 13,693 cases in 2019, before the pandemic.

Salmonella was detected in one of 209 farm-grown lettuce samples and one of 402 retail lettuce samples. Fresh duck and chicken meat in retail stores had a contamination rate of 5.1, with 19 of 375 duck meat samples and 25 of 489 chicken samples positive. Overall, 17 of 463 fresh turkey meat samples contained Salmonella.

### **Listeria in olives and other controls**

In 2022, 569 cases of listeriosis were reported to the RKI compared to 586 in 2020.

Listeria monocytogenes were found in 97 of 369 retail fresh duck meat samples and 32 of 465 turkey meat samples. From tests at manufacturers, 32 of 141 samples of fresh poultry meat and two of 124 samples of sausage products made from poultry meat were positive.

Sixteen of 361 tests of loose black and blackened olives taken at retail came back positive, and six had levels above 100 CFU/g. Since olives are often eaten raw, vulnerable groups, such as elderly people, were

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advised by authorities to avoid eating them. One sample was contaminated at 12,000 CFU/g, which is 120 times higher than the limit of 100 CFU/g for ready-to-eat foods.

The Federal Surveillance Plan for 2022 focused on 14 areas, including aflatoxin in chia seeds, aluminum in fruit juice, squid in breaded and battered products, and PCBs and dioxins in eggs.

In another operation, 158 raw milk cheese samples were tested for coagulase-positive staphylococci. In seven samples, levels above 104 CFU/g were detected. A cheese made from cow's milk had coagulase-positive staphylococci above the legal limit. However, testing for staphylococcal enterotoxin was negative. Shiga toxin-producing E. coli (STEC) was detected in 11 samples with 10 cow's milk cheeses.

Also in 2022, the online menus of 1,273 catering establishments were checked as part of nationwide monitoring. Violations of allergen labeling were recorded in 633 of the inspected outlets.

In 572 of these establishments, the menu was available both on their homepage and the homepage of a pick-up and delivery service. In 550 cases, a menu was only on the company website, and on 151 occasions, it was only on the delivery service's homepage.

Allergens included wheat in pizza, pasta, and bread, egg in mayonnaise, and milk in sauce. Controls found wheat was often incorrectly declared or not declared in dishes containing this allergen.

The information on additives and allergens differed in 327 sites that had published a menu on their homepage and the site of the pick-up and delivery service. Allergen labeling was present more often on the homepage of the delivery service than on the caterer's website in question and was also more often accurate.

## Enterprise News

### Enoki mushrooms recalled in Canada after testing finds Listeria

1585633 Ontario Inc. is recalling Good brand Enoki Mushrooms from the marketplace because of possible Listeria monocytogenes contamination.

This recall was triggered by Canadian Food Inspection Agency (CFIA) test results.

#### Recalled products:

Brand	Product	Size	UPC	Codes	Additional Information
Good	Enoki Mushroom	200 g	4 892742 010340	All packages without a lot code on the	Sold at T & T Supermarket stores in

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				label code 20231031	and	Ontario
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As of the posting of this recall, there have been no reported illnesses associated with the consumption of this product.

Recalled products should not be consumed, served, used, sold or distributed.

The CFIA is conducting a food safety investigation, which may lead to the recall of other products. The CFIA is verifying that industry is removing recalled products from the marketplace.

### **Frozen chicken recalled because of undercooking**

Wayne Farms LLC of Decatur, AL, is recalling 1,377 pounds of frozen ready-to-eat (RTE) chicken breast products that may be undercooked, the U.S. Department of Agriculture’s Food Safety and Inspection Service (FSIS) announced today.

The RTE chicken breast items were produced on Oct. 16, 2023. The following product is subject to recall [[view labels](#)]:

- 9-lb. cardboard boxes containing 12 packs of 3 “CHEF’S LINE FIRE GRILLED CHICKEN BREAST” with lot codes 3723289239002 and 3723289239003 with USE BY: 01/14/24 on the label.

The products subject to recall have the establishment number “P-20214” printed on the case labels. These items were shipped to distributor locations in Illinois for further distribution to food service locations.

The problem was discovered when the firm received a customer complaint that the RTE chicken product appeared to be undercooked.

There have been no confirmed reports of adverse reactions due to consumption of these products. Anyone concerned about an illness should contact a healthcare provider.

FSIS is concerned that some products may be in institutional or restaurant refrigerators or freezers. Restaurants and institutions are urged not to serve these products. These products should be thrown away or returned to the place of purchase.

### **Many Ready-to-Eat beef and poultry products recalled by New York producer**

Swan Lake, NY-based Pelleh Poultry Corp., is spending the weekend recalling approximately 708 pounds of ready-to-eat (RTE) beef and poultry products that are likely contaminated with *Listeria monocytogenes*, according to USDA’s Food Safety and Inspection Service (FSIS).

The recalled products bear the establishment number “EST. P44121” inside the USDA mark of inspection. These items were shipped to

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retail and institutional locations in New Jersey, New York, and Pennsylvania.

The list of products subject to the recall can be found [here](#). The labels for the products subject to recall are available on the FSIS website [[view labels](#)]. Additional labels may be added as they are obtained.

### ***MARKET NEWS - REPLY***

If you have any views or comments on the articles in the marketing news please feel free to contact us on the following email address: [sales.china@mxns.cn](mailto:sales.china@mxns.cn)

