

To: Lead Food Officers, SFELC, REHIS

13-07-2017

FSS/ ENF / 17 / 018

Dear Colleague,

**Legislation to prohibit the use of the flavouring 4,5 epoxy dec-2(trans)-enal in foods.**

The European Food Safety Authority (EFSA) has recently concluded that the use of 4,5 epoxy dec-2(trans)-enal (FL No 16.071) raises safety concerns with respect to genotoxicity (i.e. can damage DNA). As this flavouring can currently be used in foods, the European Commission is establishing legislation to remove this substance from the positive (Union) list of flavourings (Annex I to Regulation 1334/2008). The legislation comes into force today, 13 July 2017, and will directly apply in all Member States.

The Commission will not be setting a transitional period for foods containing this flavouring that were on the market prior to the coming into force date of the legislation or en route to the EU market from non-EU countries. It is our understanding that the flavourings industry has taken proactive steps to reformulate its flavouring products. Therefore, foods containing this flavouring are being phased out and reformulated versions are being placed on the market.

As there is no legal requirement to list individual flavouring substances used in food on the ingredients list it will not be possible to check labels or analyse foods to determine which products contain this flavouring. Additionally, Food Standards Scotland does not have a list of affected products. However, EFSA's opinion states that this flavouring can be found in dairy products, edible ices, meat & meat products, spices, soups, sauces, etc., soft drinks and ready-to-eat savouries (i.e. snack foods). As this flavouring has been approved by the Joint FAO/WHO Expert Committee on Food Additives (JECFA no 1570) , foods imported to the EU market could contain this flavouring, but it will not be permitted for sale in the EU from 13 July 2017.

Action

To ensure Food Business Operators (FBOs) are compliant with the new legislation, we request that when enforcement officers visit FBOs, they verify FBOs are aware of this change to the flavourings legislation. Enforcement officers should also seek reassurance from businesses that they have taken steps to confirm that the banned substance is no longer used by their suppliers and that foods to be placed on the market will comply with the new legislation.

Food Standards Scotland has written separately to interested parties to notify them of this change in flavourings legislation and to urge them to take action to ensure new foods containing this flavouring are not placed on the market with effect from today.

If you should have any queries please do not hesitate to contact [enforcement@fss.scot](mailto:enforcement@fss.scot)

Yours faithfully,

Grainne Gilson

Food Standards Scotland