

To: Lead Food Officers
Cc: SFELC, REHIS, COSLA

27-09-2017

FSS/ ENF / 17 / 019

Dear Colleague,

Update on *advice to Local Authorities on sale of apricot Kernels and bitter almonds.*

Background/context

FSS has previously requested Local Authorities to take action based on a temporary cyanide level of 40 mg/kg for raw apricot kernels and bitter almonds placed on the market ([Ref: ENF/16/013](#)). Processed apricot kernels and almonds used as flavouring in some foods (e.g. marzipan, persipan etc.) have undergone heat treatment which reduces cyanide levels. These are subject to cyanide maximum levels, set out in EU flavouring legislation.

Following discussions at the EU level, a maximum level of 20 mg/kg for cyanide has now been incorporated into food safety contaminant legislation under Commission Regulation EU 2017/1237¹ amending section 8 of the Annex to Regulation (EC) No 1881/2006. Since the unprocessed apricot kernel market is very fragmented and given the possible acute nature of risk to public health, the EU Regulation has specified that it is the FBO's responsibility to demonstrate that cyanide levels in all unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer are compliant with this maximum level. Until a provision is made in domestic legislation (for the requirement that the FBO provides evidence of compliance), enforcement officers might need to carry out analytical testing to ensure compliance or ask the FBO for their analysis results. Evidence that the apricot kernels are from an established source where cyanide levels in the kernel are consistently below 20 mg/kg, is also acceptable

The maximum level is applicable to raw, unprocessed apricot kernels including the milled, cracked or chopped forms placed on the market for the final consumer. If there are consignments of apricot kernel meant for further processing, for e.g. persipan manufacture, the importer/FBO should be able to provide clear evidence of its intended use either on the label on each individual bag/box/etc. or in the original accompanying documents. In the absence of these, evidence for compliance with the maximum level should be provided.

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1237&from=HR>

Bitter almonds which are also known to have high levels of cyanide are currently not included within the scope of the 20 mg/kg cyanide maximum level as it is understood that they are normally used only after further processing and would not be eaten raw. FSS advice is to not consume raw bitter almonds as they can contain high levels of cyanide. Therefore, if officers become aware that raw kernels are being sold for direct human consumption (for example advertising the levels of vitamin B17, or implying benefit/cure of medical conditions if eaten raw), action can be taken in accordance with general food law.

We would advise that you write to your FBOs with this information, a letter can be found on our website <http://www.foodstandards.gov.scot/news-and-alerts/update-on-apricot-kernels>.

Action to be taken:

Raw, unprocessed apricot kernels including the milled, cracked or chopped forms should not be sold for human consumption unless evidence can be provided that cyanide levels are compliant with the maximum level of 20 mg/kg. Please request FBOs to provide evidence of compliance with the maximum level. If meant for further processing, there should be clear evidence for this in the labelling or accompanying documents.

Where officers become aware that raw bitter almonds are being sold for direct human consumption, action can be taken under Articles 14 and 19 of General Food Law Regulation (EC) No 178/2002, (“food shall not be placed on the market if it is unsafe”). Please request that these are withdrawn from sale.

Yours faithfully,

Grainne Gilson

Food Standards Scotland