

To: Lead Food Officers,
CC: SFELC, REHIS

12-07-2018

FSS/ ENF / 18 / 016

Dear Colleague,

Reinforcing controls on tuna in the EU.

The Commission has brought to our attention a number of fraudulent practices in the tuna industry that do not comply with Regulation (EC) No 853/2004 which lays down specific hygiene rules for food of animal origin.

Regulation (EC) 853/2004 requires the following with regard to storage and transport of fishery products:

- Frozen fishery products must be kept at a temperature of not more than -18°C in all parts of the product; however, whole fish initially frozen in brine intended for the manufacture of canned food may be kept at a temperature of not more than -9°C. (Annex III, Section VII, Chapter VII, point 2 of Regulation (EC) 853/2004).
- Frozen fishery products, with the exception of whole fish initially frozen in brine intended for the manufacture of canned food, must be maintained during transport at an even temperature of not more than -18°C in all parts of the product, possibly with short upward fluctuations of not more than 3°C. (Annex III, Section VIII, Chapter VIII, point 1(b) of Regulation (EC) 853/2004).

Therefore, the practice of using tuna frozen in brine on freezer vessels at -9°C for purposes other than canning, such as the production of tuna loins placed on the market as fresh, is contrary to the above provisions of the Regulation.

Furthermore, the Commission has noticed a sharp increase of RASFF notifications concerning the presence of histamine above the legal limits and of scombroid food poisoning outbreaks linked to the consumption of tuna products (in particular vacuum-packed thawed tuna loins).

The presence of these high levels of histamine is contrary to Annex III, Section VIII, Chapter V, point B of the Regulation, which requires that food business operators "must ensure that the limits with regard to histamine are not exceeded." The legal limits for histamine are set out in Annex I, Chapter 1, paragraphs 1.26 and 1.27 of Commission Regulation (EC) No 2073/2005. Also, this processing industry has been found to use additives to revert the colour of the product to that of a freshly caught tuna, with the aim of making the consumer perceive this product as fresh.

In order to stop these illegal practices, the EU has requested a series of measures to circumvent tuna products produced not in accordance with EU law being placed on the market, measures include;

1. Reinforcing market controls on histamine content of tuna products at retail level, notably on tuna products showing "unnatural red colour". Non-conform results should be reported through the regular channels.
2. Vessels equipped to freeze in brine at -18°C should be distinguishable from their approval number. Controls should be reinforced to ensure that tuna sold as fresh by processing establishments has been subject to a rapid freezing at -18°C on board (and a subsequent storage at this temperature at least).
3. For other vessels that have a capacity to freeze only at -9°C in brine, or are, in any case, not able to reach a temperature of -18°C in normal operating conditions, due attention should be given to ensure that their catches only reach the canning industry, as required by EU legislation.

A similar request has also been made of authorities of non-EU countries. Imported fishery products import certificates should be adapted to indicate "fish initially frozen in brine intended for the manufacture of canned food" for products frozen in brine at -9°C or, in any case, at a temperature higher than -18°C.

Local Authorities are requested to ensure that where tuna being landed, traded, processed, and retailed that there is a valid Food Safety Management System in place, consequently mitigating the fraudulent practices outlined above. Additionally, where LA's have registered vessels that have the capacity to freeze in brine at -18°C can you please respond to enforcement@fss.scot. This information will inform the potential need in Scotland to make these vessels distinguishable via = approval numbers.

If you should have any queries please do not hesitate to contact enforcement@fss.scot

Yours faithfully,

Grainne Gilson-Smith,

Enforcement Delivery,

Food Standards Scotland.