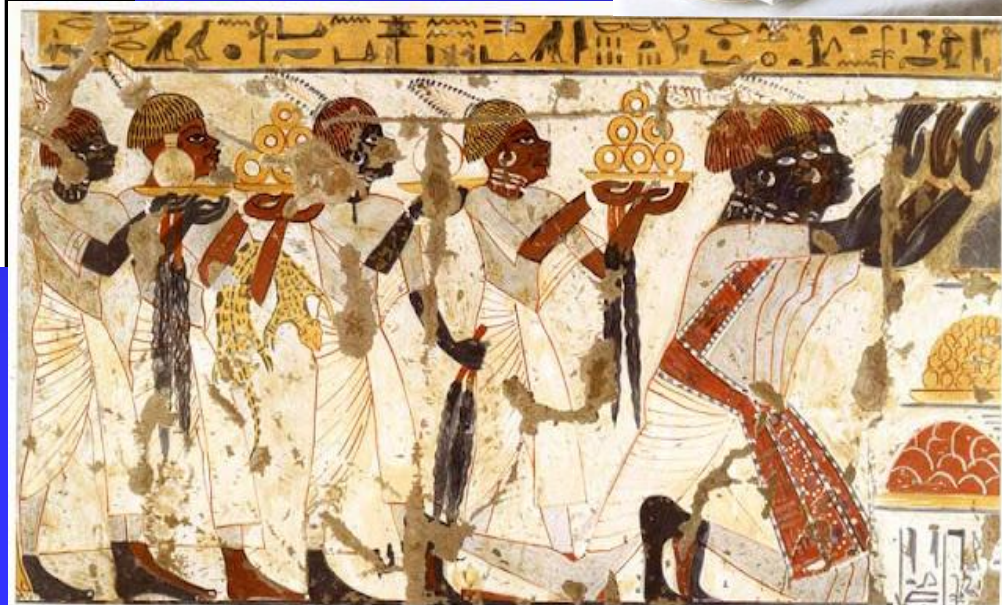


Flavour Legislation – Past Present and Future or From the Stone Age to the Internet Age and Beyond

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PAST



Pre 1988

- No EU legislation – Each Member State had the possibility have their own legislation.
- Those that did have legislation differed widely
 - ◆ Germany & Italy had a very short list of Artificials but they weren't the same
 - ◆ Italy had some NI substances classed as artificial and the rest as natural
 - ◆ Spain and Netherlands had longer list of artificials
 - ◆ Many other countries had very little legislation

No Common language!

- Even in countries with legislation there were no common definitions and these varied considerably
- In France, Germany and Italy, Ethyl acetate was classed as Artificial, NI and Natural – same chemical and 3 neighbouring countries but different descriptions!
- Obviously a need for harmonisation

Harmonisation

- All Member States agreed that harmonisation was a good idea but each Member State wanted it to be their legislation that was followed.
- The 1988 Directive was therefore a compromise and was not always fit for purpose

The 1980's A momentous Decade !

- 1988 – First EU Framework legislation on Flavourings - Directive 88/388



Flavourings - Directive 88/388

- This was a Framework legislation on **Flavourings**
 - which
 - ◆ Provided definitions
 - ◆ Made provisions on the Labelling of Flavourings sold B2B
 - ◆ Provided a means of controlling “undesirable” substances
- It did not provide a list of permitted flavouring substances

Flavouring Substances

- Directive 88/388 gave the possibility of legislation being developed “ Where appropriate “ on all the various classes of flavouring materials
- The problem is that there was no agreement on what was appropriate
- It took until 1996 for them to agree a procedure for flavouring substances and considerably longer to produce the list!

Other Appropriate Provisions for Flavourings

- The only 2 that were agreed related to
 - ◆ Additives in Flavourings - This was eventually published in 2004 and the Miscellaneous Additive Directive was amended by Directive 2003/114 to include provisions for additives in flavourings
 - ◆ Smoke Flavourings - A Directive was agreed in 2003 which set up a procedure to obtain a positive list of smoke primary products

1988 to 2008

- Commission and Member States decided that the Legislation on Additives and Flavourings needed to be updated and that Enzymes needed to be regulated at the same time
- The result was the FIAP Legislation – A Package of 4 Regulations covering
 - ◆ Flavourings 1334/2008
 - ◆ Additives - 1333/2008
 - ◆ Enzymes – 1332/2008
 - ◆ Common Authorisation - 1335/2008

Present



Regulation 1334/2008

- Provided Definitions
- Covered the labelling of B2B and also B2C
- Controlled the levels of undesirable materials
- It provided for a list of Flavouring substances but it was left blank - to be filled in later.

Definitions

- Flavourings are divided into
 - ◆ Flavouring substances
 - ◆ Natural flavouring Substances
 - ◆ Flavouring substances
 - ◆ Flavouring Preparations
 - ◆ Thermal Process flavourings
 - ◆ Precursor Flavourings
 - ◆ Smoke Flavourings
 - ◆ Other Flavourings

Labelling Requirements

- B2B - similar to old regulation
- B2C - Flavouring or a more specific name and if there is any smoke flavouring present this has to be labelled - unless it doesn't give a smokey taste!
- Specific and complicated rules if you want to use the word “natural” for both B2B and B2 C

Use of term Natural

- The flavouring part must only be composed of natural flavouring substances and/or flavouring preparations –
- There are then a series of options depending on composition
 - ◆ Natural Flavouring Substances – flavouring component must be exclusively natural flavouring substances

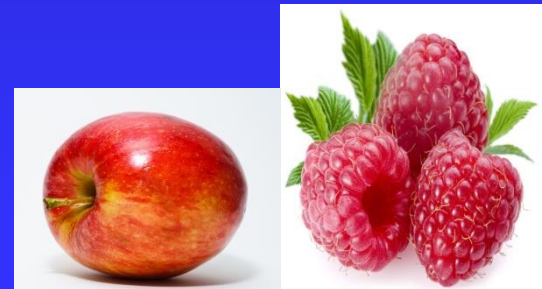
Natural “Raspberry ” Flavouring

- – flavouring component must be at least 95% from ‘Raspberry ’
- Balance of flavouring part has to be natural
- The non flavouring part does not have to be natural



Use of term Natural

- Natural “Raspberry ” Flavouring with other natural flavourings - the flavour component is partially derived from “Raspberry ” and can be recognised



Natural Flavouring

- Natural flavouring – flavouring component is from different source materials and a reference to them would not reflect the flavour
- Eg BBQ Flavouring



Current “Undesirable substances”

- The control of these has changed – now only those making a major contribution to the diet are limited

Coumarin - Comparison of limits

Substance	Level in Food ppm	Level in Beverage ppm	Exceptions ppm eg.
Old limit	2	2	<p>10 Certain caramel conf</p> <p>50 Chewing Gum</p> <p>10 Alcoholic Beverages</p>
New limit	GMP	GMP	<p>20 Breakfast Cereal</p> <p>15 Fine Bakery Wares</p> <p>5 Desserts</p> <p>50 Traditional Cinnamon denominated Bakery wares</p>



Union List of Flavouring substances

- Procedure agreed in 1996
- List published in 2012 and applied from April 2013 but with 18 month lead in period to October 2014

Over 2500 materials are listed

Other Current Regulations

- Additives in Flavourings
 - ◆ A positive list is given in Annex III of the Additive Legislation published in November 2011 Regulation 1130/2011
 - ◆ Basically the same as the old provisions

Smoke Flavourings

- The list of permitted primary smoke products was finally published in December 2013 – Regulation 1321/2013
- It contains 10 products and for each
 - ◆ Conditions of use
 - ◆ Specifications
 - ◆ Unique code and identification details of authorisation holder

FUTURE



FUTURE

- On going evaluation of Flavouring Substances
- Legislation on other categories of Flavouring materials
- Definition of Food?
- Guidance Documents
- Flavour modifiers
- Enforcement/monitoring



FUTURE - Other Categories

- EFSA evaluation needed for
 - ◆ All Flavouring substances
 - ◆ Flavouring preparations, flavour precursors and source materials from non food
 - ◆ Thermal process flavourings not made within the guidelines and/or from non food
- Other flavourings

Definition of Food

- The Regulation says
- Source materials for which hitherto there is a significant evidence of use for the production of flavourings shall be considered as food for the purpose of the regulation
- What is significant?
- Does it have to be in the EU?



Source Materials

- Should there be a positive List of permitted source materials?
- A Data base?
- Produced by whom – Commission , Industry, Consultant?

Future - Guidance Documents

- Commission and Member States are currently working on Q & A's for both B2B and B2C labelling
- The Legislation is very difficult to understand and there are considerable differences in interpretation – this is meant to address these

Labelling Questions

- Can I say “Raspberry flavouring” if there's no Raspberry present ?
- How do I declare “Yeast extract”?
- Can I say “No Artificial Flavourings” on the front of pack?
- When can I use a picture of a Raspberry on the front of the pack ?

Flavour Modifiers

- The concept of using a flavouring substance to modify odour or taste was only introduced by Regulation 1334/2008
- Member States however have concerns that there is potential overlap with Flavour enhancers and are working on a clarification document

Monitoring

- When requested Regulation 1334/2008 requires users and producers to provide details of the amount of each flavouring substance added to food
- Member States have also to establish systems to monitor consumption and use of both Flavourings and substances restricted by Annex III.

Conclusion

- We have come along way since the 1970 , albeit very slowly.
- The legislation we have now is not perfect , there are still many areas that are open to interpretation , but when used with the various guidance documents the current regulations enable the production of the wide range of high quality flavourings demanded by today's consumer.



Thank You for Your Attention