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Labelling of ACTIVA EB in meat products

ACTIVA® EB is composed of caseinate, enzyme Transglutaminase and maltodextrin as the carrier of Transglutaminase. In the final foodstuff only caseinate has to be labelled in the list of ingredients if it is not used in the same way and with the same purpose as processing aids.

The enzyme Transglutaminase as a processing aid for the meat product is not an ingredient. Within the final foodstuff Transglutaminase is not active anymore and has no functional purpose. Therefore it must not be labelled in the list of ingredients as such labelling could mislead the consumer. As the enzyme Transglutaminase is an ingredient of ACTIVA® EB used in the meat product Article 6 para 4 c) ii) 1st and 2nd indent Directive 2000/13/EC apply.

Maltodextrin is used as the carrier/media of the enzyme Transglutaminase. As long as maltodextrin is used in the quantity strictly necessary it is not regarded as ingredient, Article 6 para 4 c) iii) Directive 2000/13/EC. Therefore maltodextrin does not have to be

listed in the list of ingredients. Article 6 para 10 subpara 3 Directive 2000/13/EC does not apply, as it is maltodextrin from a non-allergen base.

Although caseinate is used like a food additive it is no additive under Article 3 para 2 a) x) Regulation (EC) 1333/2008. Therefore it has not to be designated by the name of the category listed in Annex II Directive 2000/13/EG.

If caseinate is used in the same way and with the same purpose as a processing aid, i.e. in processing raw materials (foods or their ingredients) to fulfil a certain technical purpose during treatment or processing it is not regarded as ingredient, Article 6 para 4 c) iv) Directive 2000/13/EC. It is our understanding that gelled caseinate is used together with Transglutaminase in the same way, i.e. creating the binding effect between meat pieces. These meat pieces will become one inseparable unit. The binding effect is such a technical purpose as named in Article 3 para 2 b) ii) Regulation (EC) 1333/2008 and it is finished during processing and therefore is different from an emulsifier, a firming agent or a bulking agent.

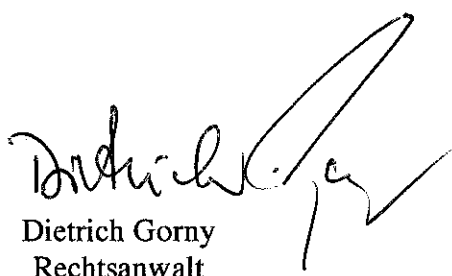
This would lead to the result that caseinate does not have to be labelled in the list of ingredients due to Article 6 para 4 c) iv) Directive 2000/13/EC, although caseinate proteins are still present in the final foodstuff. But as caseinate is originated from milk (and products thereof) and milk is an ingredient listed in Annex IIIa para 7 Directive 2000/13/EC, caseinate is considered an ingredient, Article 6 para 10 subpara 3 Directive 2000/13/EC. Therefore caseinate has to be labelled in the list of ingredients with a clear reference to the ingredient from which it originates. In this case caseinate should be labelled in the list of ingredients as “Kaseinat aus Milch” or “Milcheiweißerzeugnis”. Loose foodstuffs should be labelled with the additional indication “mit Milcheiweißerzeugnis” at the point of sale, in advertising and so on.

For caseinate a labelling in the list of ingredients is also possible on a voluntary basis as such labelling is not misleading. It slightly increases the protein content of the final foodstuff and therefore the final consumer will be informed correctly if caseinate is named in the list of ingredients.

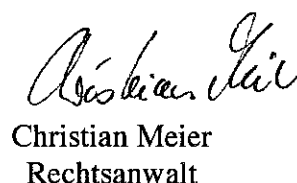
We do recommend such a voluntary labelling in the list of ingredients to overcome any difficulties which meat producers may face with the German “Leitsätze für Fleisch und Fleischerzeugnisse” and the German FleischV regarding caseinate. As ECJ (Case-383/97, Judgement from February 9th, 1999 - van der Laan) already ruled with regard to German “Leitsätze für Fleisch und Fleischerzeugnisse” suitable labelling giving the nature of the product sold could avoid misleading the purchaser. This includes non-standard protein contents.

If our understanding of the use and the continuous technological effect of caseinate protein as gelled protein for a technological purpose is not correct, then caseinate is ingredient which has to be labelled within the list of ingredients.

Caseinate may be labelled as “Kaseinat” or “Milcheiweißerzeugnis” in the list of ingredients. Again loose foodstuffs should be labelled with the additional indication “mit Milcheiweißerzeugnis” at the point of sale, in advertising and so on.



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