

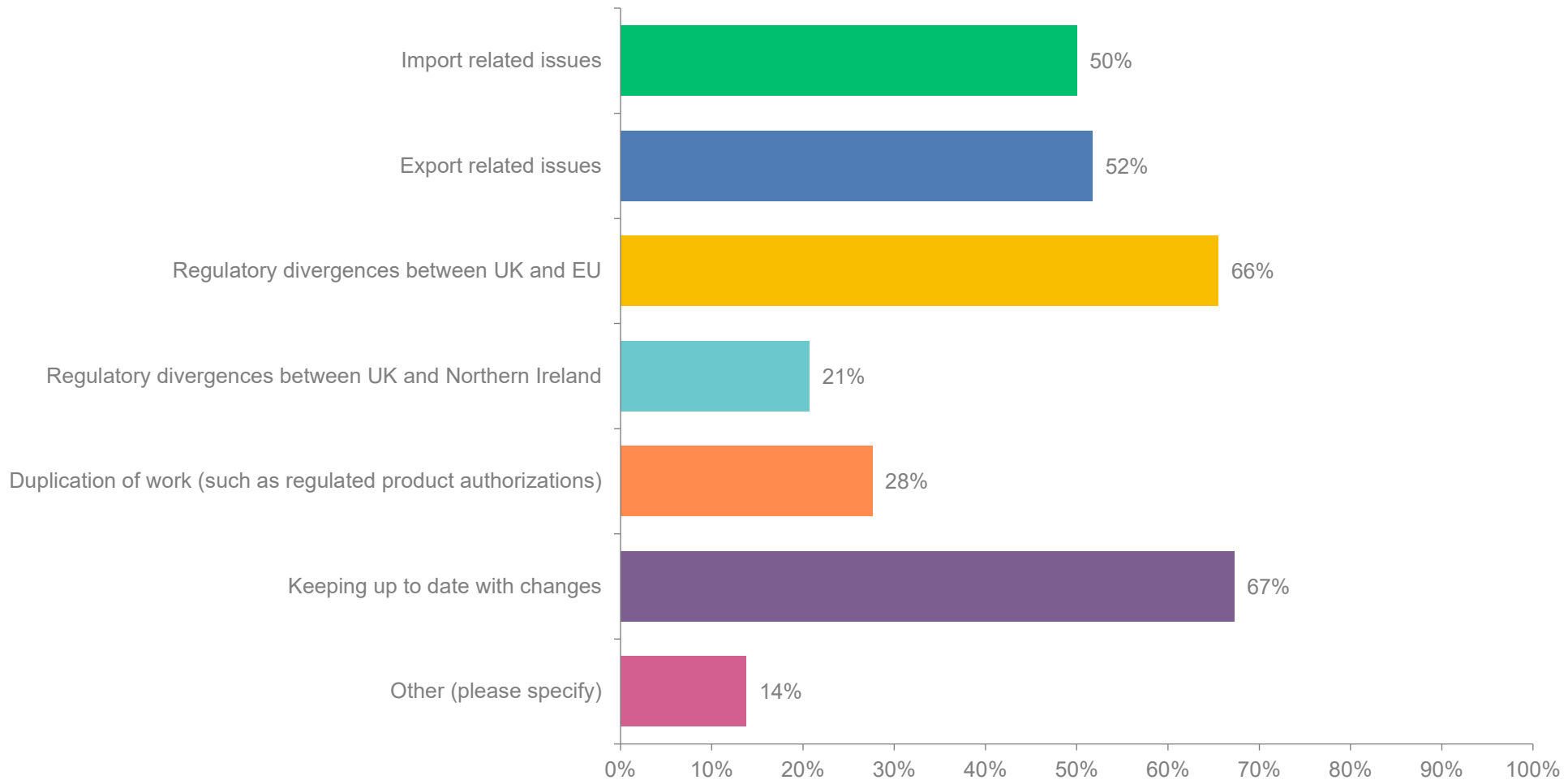
Regulatory Day 2023

The key challenges for the food & beverage industry post Brexit

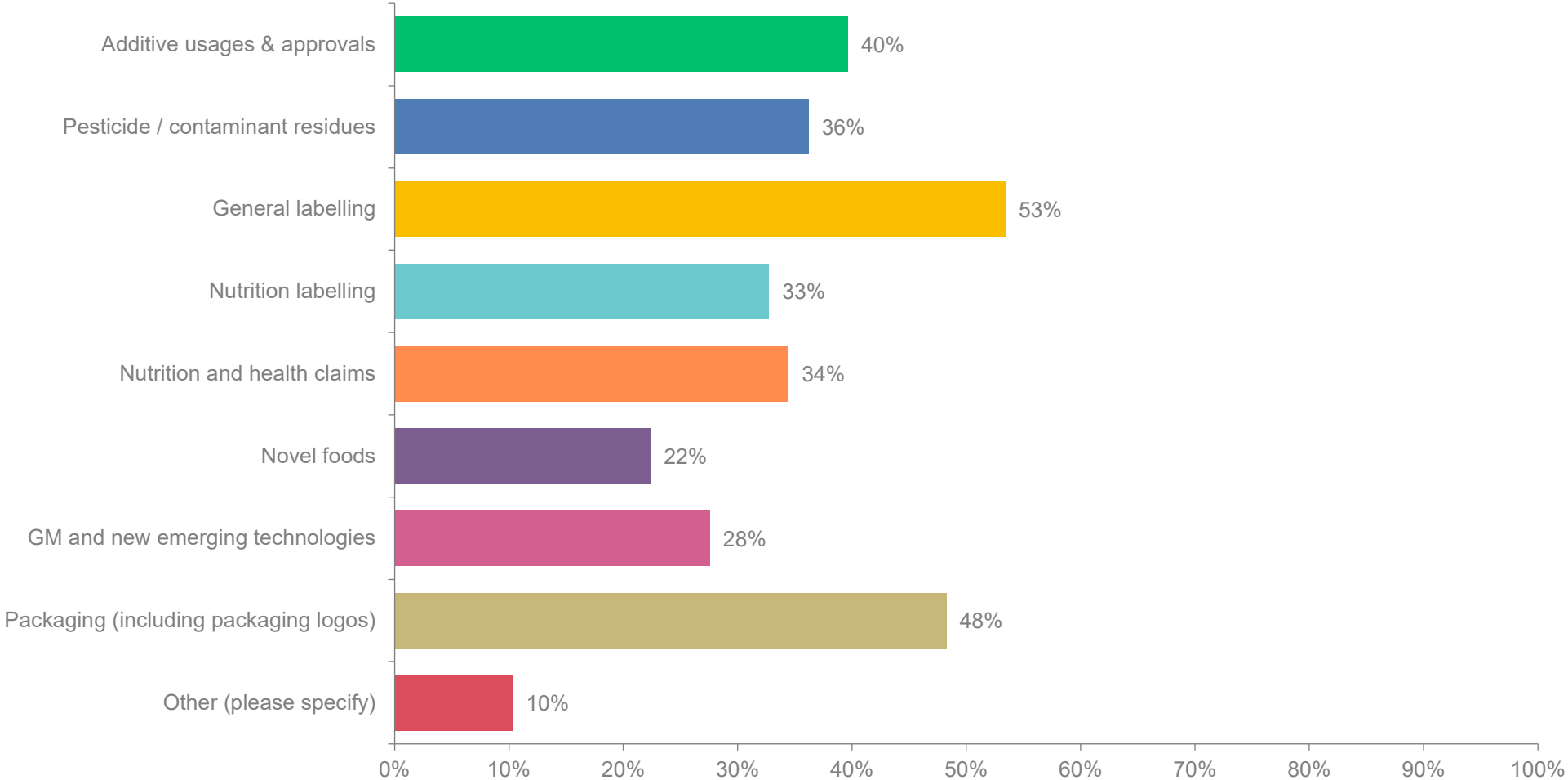
Mark Moss

Regulatory and Scientific Affairs Senior Consultant

What are the key challenges your company has experienced post Brexit? Please select all that apply



Which divergences in food regulations between the UK and EU are causing concern for your company? Please select all that apply



Identified impacts & benefits of Brexit

Impacts	%
Cost & complexity (especially exports)	62%
Keeping up to date	23%
Labelling (including address)	9%
Uncertainty	2%
Organic	2%
Reformulation	2%

Benefits	%
None / few	48%
Freedom to innovate	15%
Improve UK food standards & quality	15%
Reduced regulatory burden	11%
Trade opportunities	11%

The key challenges for the food & beverage industry post Brexit

Agota Ditchfield

Regulatory and Scientific Affairs Consultant

Enzymatically produced steviol glycosides (960C) is the only additive approved in the EU since January 2021, adopted by the UK authority

EU

	Additives approved in the EU	Food categories
2021	Enzymatically produced steviol glycosides (960C) *	All categories (intense sweetener)
2022	Ban of titanium dioxide (E 171)	All foods
	Sodium carbonates (E 500) and potassium carbonates (E 501)	Unprocessed cephalopods (previously permitted in frozen cephalopods)
	Oat lecithin (E 322a) *	Cocoa and chocolate products
	Glycolipids (E246) * as a preservative	Beverages
	Polyvinylpyrrolidone (E1201) *	Food for special medical purposes, in tablet and coated tablet forms
2023	Ascorbic acid, sodium ascorbate, calcium ascorbate	Tuna new max levels (from <i>q.s.</i>)
	Carbomer* as bulking agent and stabiliser in solid supplements and as stabiliser and thickener in liquid food supplements	Food supplements
	Glucosylated steviol glycosides (E960d) *	All categories (intense sweetener)

* Newly authorised additives

Authorised novel foods in EU vs UK

1/2

EU

- Nicotinamide riboside chloride
- *Calanus finmarchicus* oil
- Kernels from the edible variety of *Jatropha curcas* L
- Tetrahydrocurcuminoids
- Calcium L-Methylfolate
- Frozen, dried and powder forms of *Acheta domesticus*
- **Frozen, dried and powder forms of yellow mealworm (*Tenebrio molitor* larva)**
- Pasteurised *Akkermansia muciniphila*
- *Coffea arabica* L. and/or *Coffea canephora* Pierre ex
- A.Froehner dried cherry pulp
- Calcium fructoborate
- Frozen, dried and powder forms of *Locusta migratoria*
- Dried fruits of *Synsepalum dulcificum*
- Coriander seed oil from *Coriandrum sativum*
- Arachidonic acid-rich oil from *Mortierella alpina*
- **Dried *Tenebrio molitor* larva**
- Bovine milk beta-lactoglobulin (β -lactoglobulin)
- Freeze-dried powder form of *Antrodia camphorata* mycelia
- ***Acheta domesticus* (house cricket) partially defatted powder**
- Pea and rice protein fermented by *Lentinula edodes* (Shiitake mushroom) mycelia
- Lacto-N-tetraose produced by derivative strains of *Escherichia coli* BL21(DE3)
- 3-Fucosyllactose produced by a derivative strain of *Escherichia coli* BL21(DE3)
- Frozen, paste, dried and powder forms of *Alphitobius diaperinus* larvae (lesser mealworm)
- Xylo-oligosaccharides
- -Sialyllactose sodium salt produced by derivative strains of *Escherichia coli* BL21(DE3)
- Dried nuts of *Canarium ovatum* Engl.
- Bovine milk osteopontin
- Roasted and popped kernels from the seeds of *Euryale ferox* Salisb. (makhana)
- *Canarium indicum* L. dried nuts
- Partially defatted rapeseed powder from *Brassica rapa* L and *Brassica napus* L
- Iron hydroxide adipate tartrate
- ***Acheta domesticus* (house cricket)**

EU List

- 2'-Fucosyllactose (microbial source) to authorise its production by a derivative strain of *Corynebacterium glutamicum* ATCC 13032
- Infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner
- *Yarrowia lipolytica* yeast biomass
- Cellobiose
- 6'-Sialyllactose sodium salt produced by derivative strains of *Escherichia coli* BL21(DE3)
- Iron milk caseinate
- 2'-Fucosyllactose
- Aqueous ethanolic extract of *Labisia pumila*

- [Vitamin D2 mushroom powder](#)
- [3'-Sialyllactose \(3'-SL\) sodium salt \(microbial source\)](#)
- [6'-Sialyllactose \(6'-SL\) sodium salt \(microbial source\)](#)

UK List

- Vitamin D2 mushroom powder
- [3'-Sialyllactose \(3'-SL\) sodium salt \(microbial source\)](#)
- [6'-Sialyllactose \(6'-SL\) sodium salt \(microbial source\)](#)
- [UV-treated baker's yeast \(*Saccharomyces cerevisiae*\)](#)
- [Schizochytrium sp. strain \(FCC-3204\) oil](#)
- [Schizochytrium sp. \(WZU477\) oil](#)

Since 1 January 2021 the following substances are prohibited/restricted in foods in the EU

EU & UK

	EU	UK
Green tea extracts containing (-)-epigallocatechin-3-gallate	Prohibited	Not prohibited
Monacolins from red yeast rice	Prohibited	Not prohibited
Botanical species containing hydroxyanthracene derivatives	Prohibited	Not prohibited

Since 1 January 2021 the following forms of vitamins and minerals are approved in foods and food supplements in the EU and in the UK

UK & EU

	EU			UK
Nicotinamide riboside chloride	Yes in food (2023/1065 of 1 June 2023)	Yes in food supplement (2023/1065 of 1 June 2023)	No in food	Yes in food supplement (January 2023)
Magnesium citrate malate	Yes in food (Regulation (EU) 2021/418 of 9 March 2021	Yes in food supplement (Regulation (EU) 2021/418 of 9 March 2021	No in food	Yes in food supplement (January 2023)

Update on health claims in the UK & EU since Brexit

UK & EU

Two health claims being submitted in the UK :

Claim
The combination of lutein, meso-zeaxanthin and zeaxanthin helps maintain normal visual performance by maintaining clarity and contrast of sight
Morus alba (white mulberry) leaf extract is “clinically proven in assisting healthy blood glucose levels”

Two new health claims authorised in the EU since Brexit:

Claim
Carbohydrate solutions contribute to the improvement of physical performance during a high-intensity and long-lasting physical exercise in trained adults
Combination of artichoke dry leaf extract with caffeoylquinic acids, monacolin K in red yeast rice, sugar cane derived policosanols reduces blood LDL cholesterol concentrations. High LDL cholesterol is a risk factor in the development of coronary heart disease

No new health claims authorised in the UK since Brexit

Two health claims being submitted in the UK :

Claim	Conditions	Conclusion
The combination of lutein, meso-zeaxanthin and zeaxanthin helps maintain normal visual performance by maintaining clarity and contrast of sight	Daily intake of 10mg lutein, 10mg meso-zeaxanthin and 2mg zeaxanthin (22mg total carotenoids) for a minimum of 12 months to show a beneficial effect in contrast sensitivity. The proposed target population is healthy adults	A cause and effect relationship has NOT been established between the consumption of a combination of 10mg lutein, 2mg zeaxanthin and 10mg meso-zeaxanthin and improved visual performance due to <u>insufficient evidence</u>
Morus alba (white mulberry) leaf extract is “clinically proven in assisting healthy blood glucose levels”	No specific conditions of use for the food that is the subject of the claim, M. alba, were proposed by the applicant. Proposed conditions of use were provided for the supplement Ascarit. The proposed target population is type 2 diabetes mellitus patients	A cause and effect relationship cannot be established between the consumption of Morus alba (white mulberry) leaf extract and the claimed effect and no evidence has been provided on the link between the claimed effect and risk of developing type 2 diabetes mellitus

UK

New health claims authorised in the EU since Brexit

One new health claim authorised in the EU since Brexit:

Claim	Conditions
Carbohydrate solutions contribute to the improvement of physical performance during a high-intensity and long-lasting physical exercise in trained adults.	When it provides 30 g and 90 g of carbohydrate/hour (glucose, fructose, and /or maltodextrins, under the following conditions: Fructose represent no more than 1/3 of total carbohydrate, and Glucose should not exceed 60 g/h

EU

Dual labelling for breakfast products sold in the EU and in the UK

EU & UK

Product	Changes
Dehydrated milk	Authorises a treatment to produce lactose-free dehydrated milk products and also remove the distinction between evaporated and condensed milk
Fruit juices	Possibility to use the claim “ <i>with no added sugars</i> ” for fruit juices
Jam and marmalade	Minimum fruit content of “jam” and “jelly” increase from 350g/1000g to 450g/1000g
Honey	List all of the countries from where the honey originates on the packaging

The [proposed directive](#) amends four of the seven “breakfast directives”

Restriction of the placement and price promotion of products high in fat, sugar and salt

ENGLAND:

The promotion restrictions on high in fat, salt, or sugar (HFSS) products in England such as “buy one, get one free” will be further delayed for another two years from **1 October 2023 until 2025**. The Food (Promotion and Placement) (England) Regulations 2021

WALES:

The new Law, which will be **introduced in 2024 and will be rolled out by 2025**, builds on the commitment to improve diets and help prevent obesity by restricting the ways foods high in fat, sugar or salt can be promoted. The Welsh government has stated that it intends also to look at temporary price promotions and meal deals, outlining that this would not ban meal deals or other types of promotion but would restrict the inclusion of the unhealthiest products

- Add table sauces, pasta with added ingredients and cooking sauces

SCOTLAND:

Government has [announced](#) that it will be consulting on detailed regulations to ban HFSS promotions in the autumn, with restrictions set to be introduced **in 2025** at the earliest

Different categories of food, meal deal is included



Ban on single-use plastics

ENGLAND, WALES & SCOTLAND

ENGLAND:

Banned from **1 October 2023**

Cutlery, balloon sticks, and expanded and foamed extruded polystyrene food and drinks containers (including cups).

Plates, trays and bowls to the end user. The ban does not apply to the supply of a single-use plastic plate, tray or bowl that is packaging.

WALES:

The [Environmental Protection \(Single-use Plastic Products\) \(Wales\) Bill 2022](#) received Royal Assent on 6 June 2023. It makes it a criminal offence to supply or offer to supply (including for free) specific single-use plastic products to consumers.

From **1 October 2023**: Drinks stirrers , drinking straws in addition to products listed in England

From **2024** onwards: Plastic single-use carrier bags

- Polystyrene lids for cups and takeaway food containers
- Oxo-degradable plastic products

SCOTLAND:

Banned from **1 June 2022**