

(This version replaces the version dated June 2005)

CODE OF PRACTICE ON THE PRODUCTION AND LABELLING OF CERTAIN OILS IN CONNECTION WITH ALLERGY

I. LEGISLATIVE BACKGROUND

- Foodstuffs need to be labelled according to the provisions of EU Directive 2000/13/EC¹, as amended by EU Directive 2003/89/EC². The 2003 amendment requires the mandatory labelling of ingredients, specified in Annex IIIa of the Directive, known to trigger allergies or intolerances. The list contains:
 - Peanuts and products thereof
 - Soybeans and products thereof
 - Nuts³ and products thereof
 - Sesame seeds and products thereof
- In 2004, FEDIOL submitted notifications for the exemption of fully refined soybean and fully refined peanut oil from mandatory labelling.
 - Based on an EFSA opinion⁴ published in 2004, fully refined peanut oil was not granted a labelling exemption.
- In 2005, FEDIOL undertook analytical and clinical studies and submitted a dossier for the permanent exemption of fully refined soybean oil.
 - Following two EFSA Opinions in 2004⁵ and 2007⁶ permanent labelling exemption for fully refined soybean oil and its derivatives was obtained under Directive 2007/68/EC.

II. LABELLING RECOMMENDATIONS FOR INGREDIENTS

In order to assist in the risk management of allergens, this code of good practice lays down provisions for the production and labelling of all the above mentioned oils (unrefined and fully refined). All oils produced will be labelled in accordance with the provisions of the EU Labelling Directive 2003/89/EC and Directive 2007/68/EC.

¹ Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs

² Directive 2003/89/EC OF the European Parliament and of the Council amending Directive 2000/13/EC as regards indication of the ingredients present in foodstuffs

³ Definition of Directive 2003/89/EC: Almond (*Prunus dulcis*), Hazelnut (*Corylus avellana*), Persian walnut, English walnut (*Juglans regia*), Cashew (*Anacardium occidentale*), Pecan nut (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nut (*Bertholletia excelsa*). Pistachio nut (*Pistacia vera*), Macadamia nut, Queensland nut (*Macadamia ternifolia*)

⁴ http://www.efsa.eu.int/science/nda/nda_opinions/688/nda_opinion17_ej133_refpeaoil_en1.pdf

⁵ http://www.efsa.eu.int/science/nda/nda_opinions/753/01_opiniononfullyrefinedsoybeanoil1.pdf

⁶ http://www.efsa.eu.int/EFSA/efsa_locale-1178620753812_1178655063615.htm

Fully refined oils are produced using the following unit processing:

- Degumming and neutralising⁷
- Bleaching and filtration
- Deodorisation to achieve a free-fatty acid level of < 0.1%.

(For more details see FEDIOL Code of Practice on Oil Refining)⁸.

As a pre-requisite, the level of moisture and impurities, which includes proteins, must not exceed 0.5% in crude oils. This requirement is secured in purchase contracts of the relevant crude oils.

GMP (Good Manufacturing Practice) and HACCP (Hazard Analysis at Critical Control Points) must be observed at all stages of manufacturing, storage and transport, and particularly to prevent any contamination of fully refined oil with crude oil.

- FEDIOL members agree to ensure that the presence of unrefined peanut/soybean/nut*/sesame oils is clearly declared on all products throughout the food chain, by informing customers of this code and by giving them all necessary information on the oil being supplied to them.
- FEDIOL members shall advise their customers that when fully refined peanut/nut*/sesame oil is used as an ingredient, the botanical source "peanut/nut/sesame" must be declared on the final food.
- FEDIOL members shall advise their customers that when fully refined soybean oil and derivatives are used as ingredients, the botanical source "soybean" does not need to be declared on the final food.
- Any FEDIOL member selling soybean oil which has not undergone the refining process according to the above specifications / as defined in the FEDIOL Code of Practice on Oil refining, i.e. unrefined oil, will ensure that this information is passed to their customers.

III. CROSS-CONTAMINATION WITH FULLY REFINED PEANUT OILS

EU Directive 2000/13/EC only concerns the labelling of ingredients intentionally used in food products and does not cover potential cross-contamination.

However, as a due diligence measure FEDIOL performed a risk assessment⁹ on the potential cross-contact with fully refined peanut oil, which was supported by a study on the protein content of peanut oils. The data generated supported the conclusion that there is no perceptible risk for peanut allergy sufferers from cross-contact between fully refined peanut oil and other edible oils.

A similar approach can be taken for fully refined nut/sesame oils.

FEDIOL members shall encourage their customers not to use a precautionary label ('may contain'), when a potential cross-contact has been identified with fully refined peanut oil, provided that good manufacturing practices, as described in this CoP have been applied to the process.

All FEDIOL members shall implement this Code of Practice not later than June 2009.

⁷ For chemically refined oils

⁸ http://www.fediol.eu/data/fediol_02COD395_0466.pdf

⁹ <http://www.fediol.be/data/09COD018Final%20Risk%20assessment%20cross%20contact.pdf>

* as defined in footnote 3