

To: Interested Parties

Cc: Chief of Environmental Health Services (England)
Directors of Trading Standards (England)
Chief Port Health Officers
LG Regulation
APHA
TSI
CIEH
DEFRA

Date: 1st October 2010

Reference: ID:17922

Dear Sir / Madam

Re Non-permitted additive morpholine

Further to our Scoping Group Meeting update provided to you on the 28th September 2010, the Agency would like to make industry aware of the options available to UK importers if after completing their own investigations they believe produce in transit, currently in storage and/or placed on the market has been treated with the non-permitted additive morpholine.

As previously explained, the Agency considers morpholine used as a carrier for the glazing agent applied to fruit is not permitted under Regulation (EC) No. 1333/2008 on food additives. Therefore, fruit produce treated with this non-permitted additive must not be placed on the market within the UK and/or the EU.

In addition, the Agency has undertaken an initial risk-assessment based on the current information available which suggests that exposure to morpholine from the levels detected in apples is likely to be of a low risk to consumer health.

This letter sets out the ways in which produce treated with morpholine, will be managed in the UK. I deal with the following possible circumstances:

- In transit to the UK:

Produce currently in transit to the UK can be re-directed back to the country of origin or to any other non EU country where morpholine is legally permitted for this use.

- Produce stored at UK Ports:

Produce currently stored at UK ports can be dealt with under Article 21 of Regulation (EC) No. 882/2004 on re-dispatch of consignments to the importing third country. Re-dispatch is permissible only where the competent authority of the third country has been informed of the reasons why the products cannot be placed on the market in the EU.

The legal position differs where the third country of destination is not the country of origin.

- Produce held inland:

Produce held inland at UK storage facilities can be re-exported under Article 12 of Regulation (EC) No.178/2002, which lays down the general principles and requirements of food law, back to the country of origin or to a third country where the use of morpholine is permitted.

- UK Retail Stores:

Where such produce is currently located in UK retail stores it should be removed from sale given it is non-compliant under Regulation (EC) No.1333/2008 on food additives.

Information will be placed on the FSA's website reporting the non-compliance identified and the remedial action taken.

If Food Businesses Operators ascertain that they are in possession of produce not in compliance with the food safety requirements, the Agency reminds businesses of the need to notify the relevant competent authorities (FSA & Local Authority) in accordance with Regulation (EC) No 178/2002.

Should you wish to discuss this further please do not hesitate to contact me on the details below or by email: foodincidents@foodstandards.gsi.gov.uk.

Yours

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