



Bundesamt für
Verbraucherschutz und
Lebensmittelsicherheit



Common Central Unit “Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products Traded on the Internet”

Annual Report 2018



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List of Abbreviations

BVL	Federal Office of Consumer Protection and Food Safety
BZSt	Federal Central Tax Office
G@ZIELT	Common Central Unit "Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet"
LFGB	Food and Feed Code
RAPEX	Rapid Exchange of Information System / European Rapid Alert System for Dangerous Consumer Products
RASFF	European Rapid Alert System for Food & Feed
VSMK	Conference of Consumer Protection Ministers

Imprint

Publisher:

Federal Office of Consumer Protection and Food Safety (BVL)

Common Central Unit "Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products Traded on the Internet"

Mauerstraße 39-42

D-10117 Berlin

Final editorial review / Coordination:

Dr. Peter Kranz, Dr. Dennis Raschke

Editorial group:

Dr. Andrea Bokelmann, Ulrich Hirse, Dr. Peter Kranz, Katharina Reimers, Bianca Trültzsch

Responsible in terms of press law:

Nina Banspach (BVL, press office)

1 Foreword

This is the third consecutive annual activity report published by the Central Unit G@ZIELT. The unit is funded by the Federal States (*Länder*) and carries out preparatory work for the official monitoring of e-commerce (electronic commerce or online trade) in products pursuant to the Food and Feed Code (*Lebensmittel- und Futtermittelgesetzbuch – LFGB*), and in tobacco products. The tasks of the Central Unit are set out in the Administrative Agreement between the Federal States and the Federal Government.

In general, official monitoring entails controls at the site of activity of a food business operator (FBO). In the field of e-commerce, however, there is a need for new concepts because online traders are active beyond the boundaries of the locally competent authorities. Consequently, special technical facilities and specific technical expertise are needed in order to effectively protect consumers in these trade segments, too, and to support the competent authorities of the Federal States in the performance of their official monitoring tasks.

In a central research facility, G@ZIELT can meet the challenges of e-commerce by means of specialisations, and can continue to build expertise. In this way G@ZIELT provides an important support service for the Federal States in their monitoring of e-commerce.

More in-depth information for consumers and stakeholders in e-commerce can be accessed on the website of the Federal Office of Consumer Protection and Food Safety (*Bundesamt für Verbraucherschutz und Lebensmittelsicherheit – BVL*) (www.bvl.bund.de/internethandel).

2 Introduction and Summary

In 2018, too, the growth trend in e-commerce in food, consumer products, cosmetics, feed and tobacco products continued. The total volume of the product group cluster "everyday consumption" traded online increased by 12.7 percent overall, resulting in total sales of EUR 4.29 billion. The food segment grew by 20.3 percent compared with the previous year¹.

The Internet is not an unlegislated area. The relevant legal provisions for stationary trade also apply to e-commerce. The competent authorities in Germany have responded to this development by setting up the Common Central Unit "Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet", in short G@ZIELT, at the Federal Office of Consumer Protection and Food Safety (BVL). Since July 2013 the Central Unit has carried out preparatory and supportive work on behalf of the Federal States in conjunction with the control of e-commerce in food, feed, cosmetics, consumer products and tobacco products. The aim is to improve consumer protection in the field of e-commerce, and to ensure a risk-based level of protection, similar to that in conventional trade.

Figure 1 presents the tasks and information channels of the Central Unit:

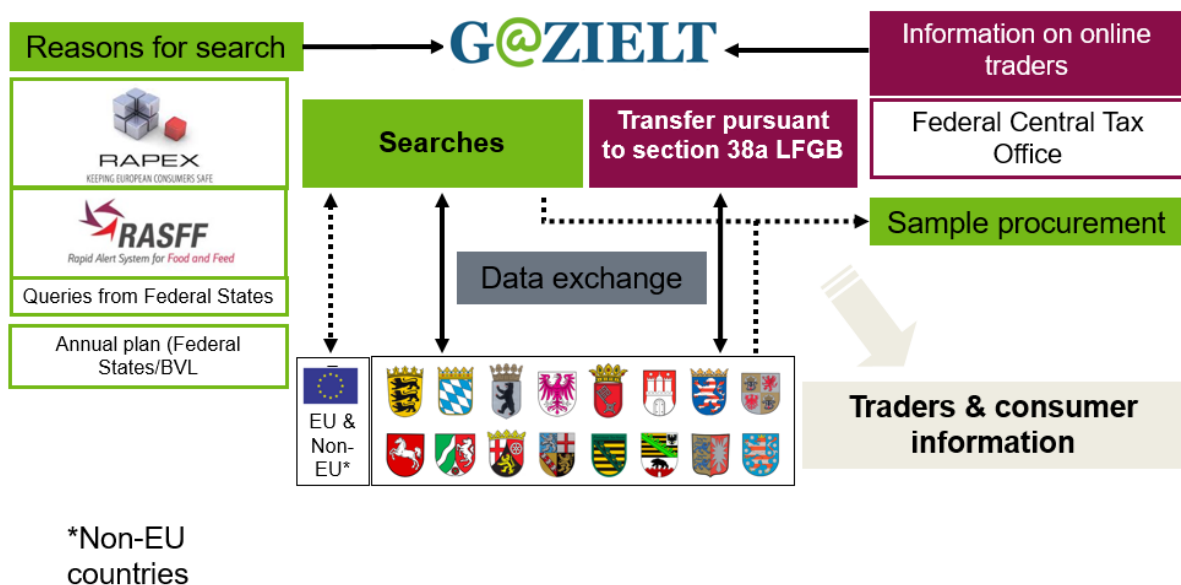


Fig. 1: Schematic illustration of the tasks and information channels of G@ZIELT

As part of their product searches, the staff members of the Central Unit sift through notifications in the European Rapid Alert System for Food and Feed (RASFF) and in the European Rapid Alert System for Dangerous Consumer Products (RAPEX) in preparation for official food monitoring. They check whether the products concerned are offered for sale to German consumers on the Internet. The information obtained on the offers and vendors is relayed to the contact points of the Federal States within whose area of responsibility the registered office of the respective online vendor is located. If vendors are identified with a registered office abroad, this information is passed on to the competent unit within BVL for relaying to the countries concerned.

The Administrative Agreement provides for, what are known as, annual plan searches based on rapid alerts, in addition to incident-related searches. The specific contents are agreed by the Federal States and the Central Unit

¹ <https://www.bevh.org/presse/pressemitteilungen/details/auch-in-2018-zweistelliges-e-commerce-wachstum.html>

for the following year. The Central Unit carries out searches on the selected specific contents. Based on the results, the competent authorities may take steps such as on-site operational controls.

The Federal Central Tax Office (*Bundeszentralamt für Steuern – BZSt*) sends information, which it records automatically, to the Central Unit in order to ensure that vendors who are active on the Internet are known to the competent authorities and can be controlled in a risk-oriented manner, just like in stationary trading. The data are processed by the Central Unit and made available to the Federal States pursuant to section 38a Food and Feed Code (LFGB). Unknown vendors can be integrated on-site into the risk-oriented control, and any registration and approval obligations can be verified.

In order to strengthen the expertise of the Central Unit in terms of e-commerce control, and to establish contact persons and contact points for various issues, the Central Unit engages in and continuously widens its comprehensive exchange of specialist information with numerous organisations and authorities on the national and international level.

In addition, the Central Unit carries out activities such as the preparation of material to inform consumers about safe online purchases, and traders about their obligations and responsibilities in conjunction with the online sale of food, feed and cosmetics. This information material is available for download².

This report sets out the activities of the Central Unit for the period from 1 January to 31 December 2018. The results presented highlight both the importance of the preparatory work of the Central Unit for the official monitoring of e-commerce in products pursuant to the Food and Feed Code (LFGB) and in tobacco products, and the need to strengthen consumer protection in Germany.

² www.bvl.bund.de/internethandel

3 Results

3.1 Food

As part of product searches, notifications in the European Rapid Alert System for Food and Feed (RASFF) are examined. By way of preparation for official food monitoring, this involves checks of whether the products concerned are offered for sale on the Internet. Furthermore, the Central Unit examines, on behalf of the Federal States, whether other potentially risky foods (for example which have been the subject of objections by the on-site authorities) are offered for sale to German customers on the Internet.

In 2018, 113 product searches were carried out in the food segment, and 610 potentially risky offers were identified.

Numerous searches were undertaken because of alerts concerning food supplements. Similar to the previous year, the products concerned included, amongst others, food supplements for athletes containing prohibited substances such as dimethylamylamine (DMAA). In combination with caffeine, DMAA is suspected of causing chronic increases in blood pressure. Furthermore, online offers of food supplements were identified which had been the subject of alerts in the Rapid Alert System RASFF because they contained unacceptably high levels of caffeine. High intake levels of caffeine can lead to adverse effects such as, for example, increased nervousness and excitability, insomnia, sweating and tachycardia. Over a prolonged period excessive caffeine consumption can trigger cardiovascular problems such as, for instance, elevated blood pressure.

A search for palm oil led to the identification of several online offers which had been the subject of an alert because of the unauthorised azo dye, Sudan IV. Azo dyes, such as Sudan IV, can be cleaved into amines in the body after oral intake. Some amines that can be formed during the cleavage of these azo dyes, are classified as carcinogenic. The search results were relayed to the competent authorities.

Furthermore, the Central Unit carried out searches on behalf of the Federal States regarding the online sale of bitter apricot kernels. Bitter apricot kernels can pose a threat to health because of their hydrocyanic acid content. Hydrocyanic acid is a natural toxin in bitter apricot kernels which is released, for instance, when chewing these kernels. The toxic action of bitter apricot kernels stems from the ingredient, amygdalin, which releases hydrocyanic acid (cyanide) during consumption and digestion. The search results were relayed to the competent authorities. Associated product recalls were published by the competent authorities on the portal Lebensmittelwarnung.de.

As part of the G@ZIELT annual plan, the "Fake and health-damaging spirits from abroad" programme was carried out. This was prompted by several European rapid alert notifications in the past that contained an alert about spirits adulterated with methanol from non-EU countries. These were mainly spirits offered for sale on the Internet. In March 2016 Interpol/Europol in Europe seized several thousand litres of illegal, adulterated spirits³. In the course of the search 68 online shops and vendors were identified on online marketplaces that offer spirits in the low price segment to German consumers, and have their registered office in Germany. The competent authority carried out on-the-spot controls and took samples. Sample analysis confirmed infringements of labelling provisions. None of the samples analysed was found to be irregular in terms of methanol content or was identified as a fake.

In the case of the G@ZIELT annual plan programme "Alternative distribution forms and channels for food in e-commerce", an overview was prepared of online shops and mobile applications that constitute new or innovative forms of food distribution. The focus was on vendors who are active in Germany and mainly have their registered office there (e.g. vendors with offers aiming to prevent food waste caused by surplus or defective products or to distribute leftover food). The vendors can be divided into six categories:

³ <https://www.europol.europa.eu/newsroom/news/largest-ever-seizures-of-fake-food-and-drink-in-interpol-europol-operation>

Vendors with offers to prevent food waste caused by surplus or defective products

Vendors in this category offer goods at markedly reduced prices. These are mostly surplus products, defective products, remaining stock or off-the-line items. Furthermore, they may have a shorter or expired minimum storage life.

Vendors with offers to prevent food waste by distributing leftover food

Vendors in this category have set themselves the task of recycling leftover food from catering companies or private households. One common feature of all these vendors is that they serve as platforms to connect those who have too much with potential recipients.

Community projects

The vendors' offers in this category necessitate a certain community and, in some cases, community engagement, too. In many cases, the actual trade in the goods is carried out on the spot. However, the offers and the networking of the community take place online. This is how communities can come together that would have found it difficult to reach each other in the real world.

Online supermarkets with novel concepts

A few vendors have developed new concepts for the "classic" online supermarket. For instance, deliveries are made solely with the company's own electric vehicles from its own independent logistics centre. Other vendors offer products in exchange for a "flat-rate dispatch and service fee" for free-of-charge testing.

Sustainability and social responsibility

Vendors in this category sell food with the emphasis on special sustainability or social engagement. For instance, fruit and vegetables are offered for sale which do not meet retail food trade standards because they are oddly shaped, too big or too small.

Moving closer to primary production

Vendors in this category have set themselves the task of bringing consumers closer to primary production. The concepts offer, amongst other things, the option of sponsoring an animal, for instance a chicken or a cow.

In the G@ZIELT annual plan programme "Food in social networks", an overview was prepared of the various types of offers in social networks. Here, attention focussed on the social networks "Pinterest", "Instagram" and "Facebook". There is a large and diverse offering of all kinds of food in the social networks. In the majority of cases observed in this search, purchases were not, however, concluded in the respective social network. In the case of "Pinterest" the products identified are mostly presented with a short product description and, in some cases, information about the price. Via a link to an external website purchasers access, for instance, an online shop or marketplace where they can purchase the product. A direct purchase on "Pinterest" is not possible. This also applies to the mobile Pinterest app. There are numerous channels for obtaining food via "Facebook". When it comes to ordering a product, some websites solely offer the option of making contact through "Facebook", others provide a product overview. But when it comes to the actual purchase, buyers are transferred to the vendor's external online shop or the marketplace website. There are, however, also websites on "Facebook" which are embedded in online shops and handle the entire ordering process and purchase. In the case of public groups on "Facebook" that were put in place specifically for the purchase and sale of food and food supplements, only the vendor of the corresponding article can be contacted via Facebook. No direct purchases are made through Facebook. The situation is similar in the case of the "Marketplace" which can be accessed when using "Facebook" via mobile terminals. The respective offer mostly contains a short description of the product, the price and the article location. Here, too, "Facebook" only offers the possibility of contacting the vendor.

3.2 Feed

Substances, products and additives that are processed, partially processed or unprocessed and are intended as oral animal feed are deemed to be feed. The Food and Feed Code (LFGB) sets out the rules for feed that is placed on the market for both pets and productive livestock, amongst other things, through the e-commerce channel. Products with unauthorised or health-damaging ingredients and misleading claims are offered for sale in this segment, too.

As part of the 2018 annual plan and against the backdrop of the incidents involving eggs that were contaminated with fipronil in the summer of 2017, a comprehensive content-specific search was carried out for feed that was advertised and carried a claim of action against endoparasites or ectoparasites.

Searches in conjunction with this annual year programme identified vendors of feed which was advertised and carried a claim of action against endoparasites or ectoparasites, with a registered office in Germany. Vendors of corresponding feed for productive livestock, including horses and foals, were taken into account.

Based on these results, the competent authorities carried out checks of Internet presences and/or on-the-spot controls. In those cases in which non-compliance with statutory provisions was determined, the vendors concerned were instructed to amend their Internet presence or, in the event of infringements, proceedings for the collection of fines were launched.

3.3 Commodities and food contact materials

Commodities are articles that are intended to come into contact with food, cosmetics and not just temporarily with human beings. In addition to dishes, cutlery and cooking utensils, this category also includes toys, clothing, packaging for cosmetics and cleaning products for household use.

To identify potentially risky online offers of consumer products, checks are made on the basis of the notifications in the European Rapid Alert Systems RASFF and RAPEX to determine whether the products concerned are offered for sale to German consumers on the Internet. Numerous online offers were identified and relayed to the competent authorities.

In 2018, 139 product searches were carried out in the consumer products segment, and 319 potentially risky offers were identified.

During the searches in 2018, too, several consumer goods were identified for which an alert had been issued because of the high concentrations of the contact allergen, chromium (VI). They included building sets with bricks for children and leather trousers. Furthermore, toys were identified for which an alert had been issued because of the presence of the prohibited flame retardant tris(1-chloro-2-propyl) phosphate (TCPP). Further searches of online offers found, amongst other things, balloons with an unacceptably high level of nitrosamine, soup ladles contaminated with melamine and children's modelling clay contaminated with arsenic.

3.4 Cosmetics and tattooing agents

Cosmetics are substances which are intended to come into external contact with the human body (skin, nails and hair), teeth and the oral mucosa. They include agents to change appearance such as make-up, nail polish, skin cream, agents to influence body odours such as perfume and deodorants, and soap, toothpaste, sunscreen, shaving foam or bath additives.

The term "tattooing agents" refers to dyes which are introduced into or under human skin. In principle, the Food and Feed Code (LFGB) already stipulates that no tattooing agents may be produced or placed on the market which are likely to harm health (sections 26, 29 LFGB). Tattooing agents are regulated by law in the Tattooing Agent Ordinance (*Tätowiermittel-Verordnung - TätöV*). It sets out, amongst other things, the required labelling of tattooing agents and the ban on certain substances.

In 2018, 83 product searches were carried out in the cosmetics and tattooing agents segment, and 595 potentially risky offers were identified.

The searches revealed, amongst other things, online offers of tattooing dyes for which an alert had been issued because of potentially carcinogenic aromatic amines and polycyclic aromatic hydrocarbons, and the heavy metals lead, cadmium, arsenic, cobalt and zinc. Furthermore, a search was carried out for online offers of tooth whiteners with an unacceptably high level of hydrogen peroxide.

On behalf of the Federal States a search was carried out for online offers of children's make-up with the unauthorised dye, Basic Violet 10. As this only led to search hits for vendors with their registered office in other EU Member States or in non-EU countries, administrative assistance procedures were launched with the authorities responsible for the vendors in the countries concerned.

The 2018 annual plan still contained the content-specific search for "Black face masks in Internet offers". They are offered for sale on the Internet to cleanse the skin, mainly of blackheads, etc. In numerous offers the basic elements of the required labelling are missing, for instance the purpose of the cosmetic, unless this is clear from the packaging, the name and address of the person responsible for the cosmetic with a registered office in the EU, the name of the person responsible within the EU or the list of ingredients. The initial importers of such products are often not aware of their obligation as responsible persons. According to EU cosmetics law specific information about the cosmetic is to be notified electronically to the European Commission, and the product is to be labelled in German.

In the course of the search 119 online shops and vendors were identified on online marketplaces that offer black face masks for sale to German consumers, and have their registered office in Germany. The competent authorities in the Federal States carried out on-the-spot controls, including sampling, and the traders were, if necessary, instructed to remove their offers from the Internet. In many cases labelling deficiencies were observed. Previously unknown vendors were included in official monitoring. If the on-the-spot controls identified products from companies with their registered office in another Member State, the competent test reports, partially by means of the EU administrative assistance procedure, were relayed to the competent authorities there.

3.5 Tobacco products

Tobacco law encompasses the German Tobacco Product Act (*Tabakerzeugnisgesetz – TabakerzG*) and the Tobacco Product Ordinance (*Tabakerzeugnisverordnung – TabakerzV*), and has regulated tobacco, tobacco products and associated products since 20 May 2016.

Tobacco products encompass smoking tobacco products (cigarettes, cigars, cigarillos, loose tobacco) and tobacco for water pipes and smoke-free products such as snuff and chewing tobacco. Nicotine-containing products such as liquids for electronic cigarettes, including e-shishas and plant-based tobacco products, which do not contain any tobacco and are based on plants, herbs or fruits, such as herbal cigarettes, rank amongst the associated products.

In 2018, 7 product searches identified 51 potentially risky online offers. These were liquids for electronic cigarettes, for which an alert had been issued in the Rapid Alert System RAPEX because of the missing data sheet with information on the acute risk to health posed by nicotine.