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DG SANTE
European Commission
Rue de la Loi 200
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Brussels, 4 March 2019

RE: More efforts needed to protect consumers from acrylamide in food, new EU test shows

Dear Ms. Juelicher,

I am writing on behalf of BEUC, the European Consumer Organisation, to share with you the key findings of a test on acrylamide in food which was jointly carried out by ten of our member organisations¹. Based on these results, we wish to provide the European Commission with BEUC's recommendations for further reducing consumer exposure to this harmful contaminant.

The EU acrylamide regulation² has applied since 11 April 2018. It requires food manufacturers, fast-food chains and restaurants to apply measures to ensure acrylamide levels in their products remain below 'benchmarks' set in the law.

In the autumn 2018, ten consumer organisations across Europe sampled foodstuffs known to be at risk of containing acrylamide and sent them to an accredited laboratory for analysis. The full list of tested products is available under Annex I and includes notably potato crisps, vegetable crisps, French fries, biscuits for infants and young children, biscuits and wafers, as well as breakfast cereals. **In total, 532 samples were selected and tested** (across all countries and food categories).

1. Key findings

For most of the food categories tested, results are compliant with benchmarks set in the law. Most, if not all, analysed samples of coffee, chicory, breakfast cereals, toasted bread, crackers, ginger bread and French fries were found to be within the acrylamide benchmarks (for instant coffee, however, most samples were very close to the benchmark).

Biscuits and wafers are the category where additional efforts are undoubtedly needed, with a third of products at or above the benchmark. 13% of the baby food products tested were above the benchmark, 7.7% of the potato crisps and 6.3% of the biscuits for infants and young children. The detailed summary results are available under Annex I.

The issue with biscuits and wafers is even more significant if one considers that many of these products are frequently consumed by children below 3 years of age. Some of these biscuits are clearly marketed to children (e.g. use of cartoon characters and other brand mascots on the packaging which appeal to children). Others, even though not necessarily intended for children, are nevertheless commonly given by parents to older babies and toddlers (e.g. digestive biscuits, rich tea biscuits³).

In this test, 44 products under the 'biscuits and wafers' category were identified as frequently consumed by children under 3. When checked against the acrylamide benchmark for the category 'biscuits for infant and young children' (i.e. 150 µg/kg instead of 350 µg/kg for normal biscuits), **close to two-thirds of these products were in fact not compliant.**

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¹ Altroconsumo, Consumentenbond, DECO, Forbrugerrådet Tænk (Denmark), Forbrugerrådet Norway, OCU, Stiftung Warentest, Test-Achats, UFC – Que Choisir and Zveza Potrošnikov Slovenije.

² Regulation (EU) N° 2017/2158 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food.

³ See for instance these [nutrition recommendations](#) from the Leicester Nutrition and Dietetic Services (part of the UK National Health Service).

A similar situation was observed with **crackers**: several of these products (e.g. pretzel-sticks) are marketed to children and commonly given to young toddlers⁴.

Regarding the **vegetable crisps category**, 27 analyses were carried out and an average acrylamide content of 1121 µg/kg was found, with a median value of 830 µg/kg. This is almost double the median value for acrylamide levels in tested potato crisps. However, as a benchmark level for acrylamide in vegetable crisps has not yet been established, it is impossible to make a meaningful evaluation of these results.

2. BEUC recommendations

> Current benchmarks are too lenient and must be significantly lowered.

The benchmarks have been set based on acrylamide occurrence data in food, in a way that is completely decorrelated from exposure data and toxicology. It has been explained they are meant to ensure that acrylamide levels are 'As Low As Reasonably Achievable' (ALARA): however, our members' test showed this is not the case.

Indeed, for the vast majority of food categories in our members' joint test, the benchmarks are easily met by most products in the category (for potato crisps, French fries, baby foods, baby biscuits, breakfast cereals incl. bran and wholegrain products, toasted bread) – if not by all (for roasted coffee, chicory and mixes, breakfast cereals other than bran and whole grain products, crackers, ginger bread). Across all food categories, results clearly indicate that it is possible to produce products with low acrylamide content. To incentivise additional efforts by manufacturers, benchmarks should be based on the best, not the worst, performers.

The European Commission should therefore swiftly follow-up on the acrylamide regulation's recommendation that benchmark levels be lowered to reflect the continuous reduction of the presence of acrylamide in food⁵. The revised benchmarks should be based at least on the median value (50th percentile) in a given category to bring consumer exposure to acrylamide further down.

> The acrylamide content in biscuits must go down.

- Maximum acrylamide levels should be promptly established for '*biscuits and rusks for infants and young children*'. There have been several cases where baby biscuits with high acrylamide content have had to be recalled from shelves over the past couple of years (e.g. in Croatia and Belgium). Legal limits would oblige manufacturers to be more vigilant on acrylamide formation in their products and would more effectively protect the health of the youngest consumers.
- The Commission should also propose lowering the acrylamide benchmark for '*biscuits and wafers*' to bring levels closer to that in baby biscuits, as many of these products are likely to be consumed by children under 3. The acrylamide regulation foresees – and rightly so – stricter acrylamide benchmarks for '*baby foods, processed cereal based foods for infants and young children*' and for '*biscuits and rusks for infants and young children*' compared to similar foodstuffs intended for older consumers. Yet, many types of biscuits and crackers not specifically intended for young children are commonly given by parents to their toddler, without them being aware of the difference in terms of acrylamide content.

> Benchmarks must be set for 'vegetable crisps' and other missing categories.

Vegetable crisps are often marketed as a 'healthy' alternative to their potato-based counterparts. A benchmark value should be established to force food manufacturers to apply mitigation measures in their production processes to lower the acrylamide content. Other categories for which benchmarks should be set include for instance potato products such as croquettes or rösti, croissants and rice crackers.

> BEUC remains convinced that binding acrylamide limits would best achieve a high level of consumer protection against acrylamide.

- Maximum levels would ensure that all food business operators take acrylamide seriously. BEUC member organisations who participated in the joint test contacted food manufacturers whose products were analysed to enquire about the applied mitigation measures. Although a large number of responses from manufacturers (large and small) show they are working on this matter and have mitigation measures in place, we also verified that some (mostly small) companies find that the absence of binding limits constitutes a disincentive for action.

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⁴ See for instance <https://www.podravka.hr/proizvod/kviki-stapici/> tested by Zveza Potrošnikov Slovenije.

⁵ See recital 11 of Regulation (EU) N°2017/2158.

- Maximum levels would facilitate enforcement of the acrylamide regulation by Member States. A recent audit⁶ by the EU Court of Auditors found that the EU food safety model for chemicals in food is overstretched and, among other recommendations, suggested considering “*changes to the legislation governing chemical hazards in the light of the capacity to apply it consistently*”. A key improvement would be to make laws more enforceable. With the setting of legal limits, non-compliant products (i.e. above the limits) would automatically have to be withdrawn from the market. By contrast, under the current rules, control authorities need first to test products against the benchmark values; in case of exceedance, they must investigate the mitigation measures applied by the food business operator and, where they find high acrylamide levels, they must perform a risk assessment to decide what to do with the products (e.g. withdrawal).

- **The effectiveness of the acrylamide regulation must be properly evaluated.** It is crucial that Member States carry out effective and frequent enough official controls to verify compliance with the acrylamide regulation. This will ensure that adequate acrylamide occurrence data is collected and sent to EFSA for the purpose of monitoring concentrations of this contaminant in food over time.
- **More research is needed on approaches to minimising acrylamide formation.** Acrylamide levels vary a lot within a given food category. It would be important to understand why and to identify new mitigation strategies through research and innovation.
- **Public information campaigns are needed to help consumers reduce acrylamide intake.** General nutrition advice should include recommendations for consumers to favour healthy culinary methods that are less conducive to acrylamide and to limit consumption of foodstuffs with typically high acrylamide content.

We thank you in advance for considering our letter and remain at your disposal for any clarification you may require.

Yours sincerely,

Camille Perrin
Senior Food Policy Officer

C/c: Mr Bruno GAUTRAIS and Mr Frans VERSTRAETE, DG SANTE

⁶ See <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=48864>

ANNEX I – Summary of the results

	Total number of products	Acrylamide benchmark value ($\mu\text{g}/\text{kg}$)	% ABOVE*	% LIMIT**	Mean acrylamide content ($\mu\text{g}/\text{kg}$)	Median acrylamide content ($\mu\text{g}/\text{kg}$)
POTATO CRISPS	104	750	7.7	13.5	457	385
VEGETABLE CRISPS	27	/	/	/	1121	830
FRENCH FRIES***	58	500	3.1	12.1	266	220
BISCUITS FOR INFANTS AND YOUNG CHILDREN	63	150	6.3	12.7	112	49
BABY FOODS	23	40	13.0	0.0	18	10
BISCUITS AND WAFERS <i>of which frequently consumed by children below 3y</i>	107	350	13.1	21.5	220	200
	44	<i>Using benchmark for biscuits for infants and young children i.e. 150</i>	63.6	11.4	251	225
INSTANT COFFEE	6	850	0.0	66.7	730	750
GROUND COFFEE ROASTED	21	400	0.0	9.5	264	260
CHICORY (or mixed products)	13	4000 or less****	0.0	15.4	<i>The mean and median are not mentioned because of benchmarks varying from 500 to 4000 $\mu\text{g}/\text{kg}$ for the various products tested.</i>	
BREAKFAST CEREALS (incl. maize, oat, spelt, barley and rice-based products)	22	150	0.0	9.1	59	57
BREAKFAST CEREALS (incl. bran products and whole grain cereals, gun puffed grain, wheat and rye-based products)	32	300	3.1	12.5	107	58
TOasted BREAD	32	350	3.1	3.1	101	43
CRACKERS	22	400	0.0	0.0	136	160
GINGER BREAD	2	800	0.0	0.0	126	126

* Above the benchmark value, considering the measurement uncertainty.

** Just below or above the benchmark value, considering the measurement uncertainty.

*** Only ready-to-eat French fries.

**** Function of the relative proportion of cereals and chicory in the final product.

For results below the detection limit (< 30 $\mu\text{g}/\text{kg}$), a default acrylamide value of 10 $\mu\text{g}/\text{kg}$ was used.