

The New German Flavor Regulations

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The new flavor legislation was enacted in Germany on December 31, 1981 in order to comply with the EEC Labeling Directive of December 18, 1978.

The important new regulation is based on the so-called "flavoring substance concept," which provides for a functional division of flavors into three classes: natural, nature-identical and artificial. An inherent provision of this concept is the "mixed-list system" in the following principle:

- Negative lists for natural aromatic raw materials and natural or nature-identical flavouring substances that are forbidden or restricted in use because of health aspects.
- Positive lists for artificial flavouring substances.

Definitions

Flavors or essences are defined as preparations of flavoring substances which are used only for the flavoring of food. Because of their concentration, they are not intended to be consumed as such.

Flavoring substances are defined as an essential part of a flavor which impart a characteristic taste and odor to a food. They are:

- "natural" if they are prepared from natural food, or from traditional sources of food flavors, by physical or fermentation methods;
- "nature-identical" if they are chemically identical to natural flavoring substances;
- "artificial" if they do not fall under the definition of "natural" or "nature-identical."

The new "flavoring substance concept" enables a flavor to be defined by the flavoring substances which make up the flavor, and in turn, this concept leads to the required labeling of the food in which the flavor is used.

Restrictions of Substances

Natural substances with active principles which might be detrimental to human health are forbidden or restricted. These substances are listed in a negative list and a restrictive list. This kind of negative/restrictive list system is not new. It was incorporated into the first German flavor regulation in 1959, and experience has shown that this system embodies an optimum of health protection because it is easily understood, followed and inspected by both industry and government.

Additives

Additives that may be used for the production of flavors are listed in positive lists. Artificial flavoring substances, flavor enhancers, solvents and carriers are listed as part of the flavor regulation. Other additives such as preservatives, antioxidants or coloring agents are permitted by a special additive regulation: the "Zusatzstoff-Zulassungsverordnung."

German food legislation treats all additives, other than flavors, as either a natural food which does not require declaration, or as an additive which must appear on a positive list in order to be used. There is no provision for a "nature-identical" category.

Labeling of Flavors

The package of flavor materials shipped from the flavor manufacturer to the food manufacturer must be identified as a "flavor" in a clear and obvious statement, together with identification of the types of flavoring substances as ingredients (natural, nature-identical, artificial).

In addition to this information, there must also be recommendations concerning the level of use of that flavor and the types of foods in which that flavor is to be used. It is also necessary to identify the producer or importer of the flavor on the label.

An alternative to putting this information on the label is to have all of it included in the commercial papers that accompany the shipment.

Labeling of Additives

The flavor legislation does not say anything about the labeling of additives. This kind of information depends on the special directive for additives mentioned above. However, the producer of flavors obviously must give information about additives incorporated in flavors if the additives are subject to maximum use limits in additive regulations, or if there is a technological function of the additive carried over by the flavor into the final foodstuff.

Maximum Limits of Additives

In general, the use of additives in flavors depends on certain maximum limits. These limits have to be watched especially in those cases where different types of additives are composed by the user. Otherwise, they can get out of order.

Even if there is no necessity by a directive that the additive ingredients should be labeled as a part of well understood GMP, it could be quite useful to give this information to the manufacturer in order to help it fulfill the different manufacturing and labeling requirements that apply to its products.

Labeling of Flavored Food

The label that the food manufacturer places on its consumer package is controlled in the new German "Labeling Regulation" (Lebensmittel-Kennzeichnungsverordnung) enacted on December 31, 1981. The flavor that has been added to the food must be included in the list of ingredients by giving the class or classes of flavoring substances (natural and/or nature-identical and/or artificial) used as part of the flavor.

Thus, the definition of the flavor that is used on the consumer product begins with the manufacturer of the flavor material, through the flavor manufacturer that uses that material, the food manufacturer that uses the compounded flavor, to the final consumer. This labeling concept is based on the definition of flavors and flavoring substances, and it is used for flavors as well as for flavored foods.