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Labelling of Key Ingredients of ACTIVA PB in meat products

ACTIVA[®] PB contains enzyme Transglutaminase and pork protein as key ingredients. In the final foodstuff, by best, only pork protein may be labelled in the list of ingredients if it is not used in the same way and with the same purpose as processing aids.

The enzyme Transglutaminase as a processing aid for the meat product is not an ingredient. Within the final foodstuff Transglutaminase is not active anymore and has no functional purpose. Therefore it must not be labelled in the list of ingredients as such labelling could mislead the consumer. As the enzyme Transglutaminase is an ingredient of ACTIVA[®] PB used in the meat product Article 6 para 4 c) ii) 1st and 2nd indent Directive 2000/13/EC apply.

Although pork protein is used like a food additive it is no additive because it is consumed as a food, Article 3 para 2 a) Regulation (EC) 1333/2008. Therefore it has not to be designated by the name of the category listed in Annex II Directive 2000/13/EG.

If pork protein is used in the same way and with the same purpose as processing aids, i.e. in processing raw materials (foods or their ingredients) to fulfil a certain technical

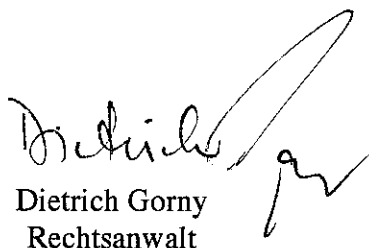
purpose during treatment or processing it is not regarded as ingredient, Article 6 para 4 c) iv) Directive 2000/13/EC. It is our understanding that gelled pork protein is used together with Transglutaminase in the same way, i.e. creating the binding effect between meat pieces. These meat pieces will become one inseparable unit. This binding effect is such a technical purpose as named in Article 3 para 2 b) ii) Regulation (EC) 1333/2008 and it is finished during processing and therefore is different from an emulsifier, a firming agent or a bulking agent.

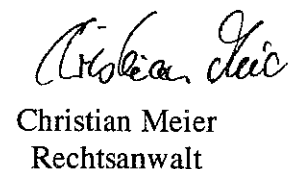
This would lead to the result that pork protein does not have to be labelled in the list of ingredients due to Article 6 para 4 c) iv) Directive 2000/13/EC, although it is still present in the final foodstuff.

For pork protein a labelling in the list of ingredients is also possible on a voluntary basis as such labelling is not misleading. It slightly increase the protein content of the final foodstuff and therefore the final consumer will be informed correctly if pork protein is named in the list of ingredients.

We do recommend such a voluntary labelling in the list of ingredients to overcome any difficulties which meat producers may face with the German "Leitsätze für Fleisch und Fleischerzeugnisse" and the German FleischV regarding added pork protein. As ECJ (Case-383/97, Judgement from February 9th, 1999 - van der Laan) already ruled with regard to German "Leitsätze für Fleisch und Fleischerzeugnisse" suitable labelling giving the nature of the product sold could avoid misleading the purchaser. This includes added pork protein.

If our understanding of the use and the continuous technological effect of pork protein as gelled protein for a technological purpose is not correct, then pork protein is ingredient which has to be labelled within the list of ingredients. Pork protein may be labelled as "Schweineeiweiß" or "Schweinefleischweiß" in the list of ingredients of the final foodstuff.


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