



Bundesamt für
Verbraucherschutz und
Lebensmittelsicherheit



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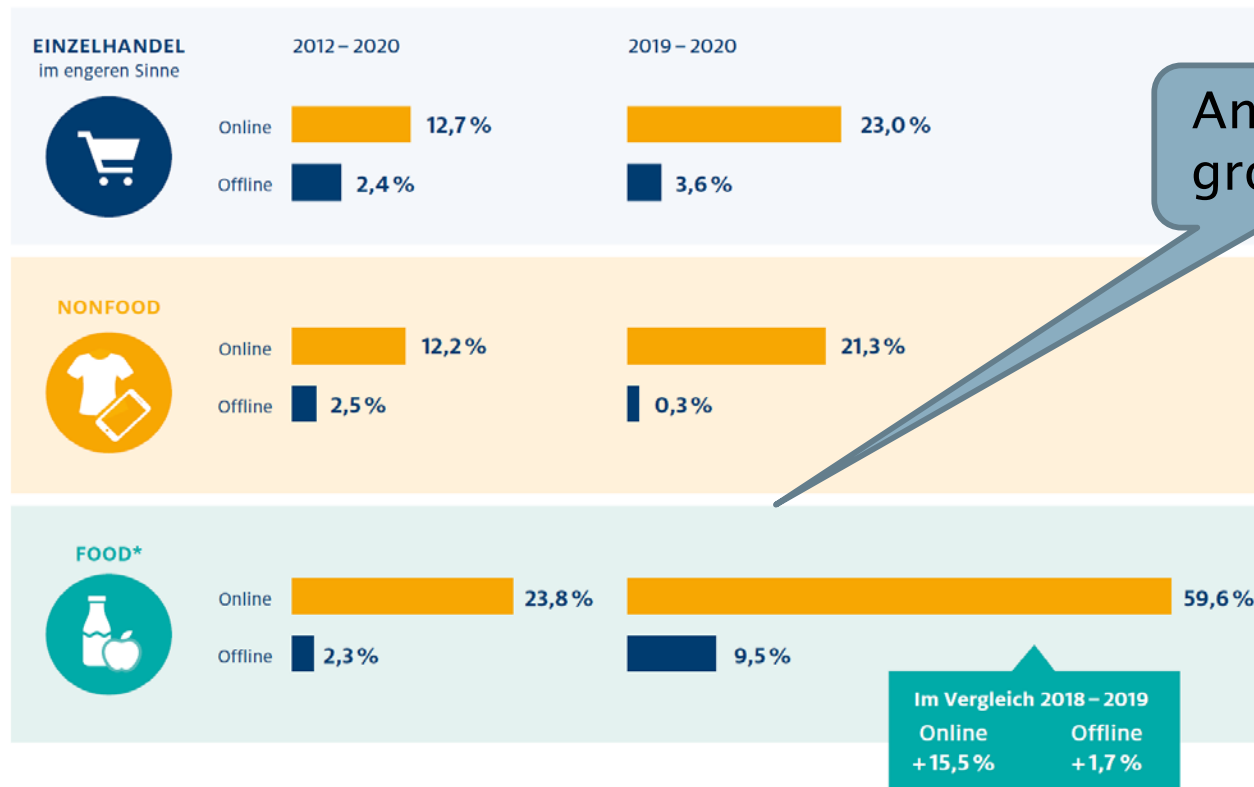
**– The German Central Unit for
eCommerce Control –**

Georg Schreiber

**BVL – Federal Office of Consumer Protection and Food
Safety**

eCom statistics DE

Durchschnittliches prozentuales Wachstum pro Jahr



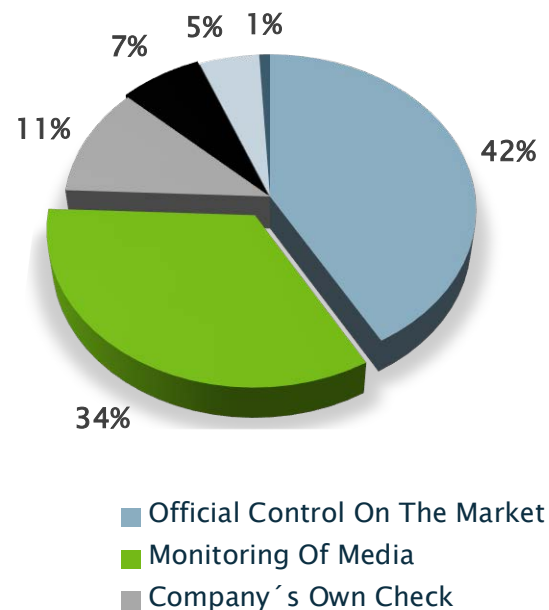
* Lebensmittel inkl. Getränke, **ohne** Tabakwaren;
 Offlinewachstum **inkl.** Tabakwaren 2012–2020: 2,3%, 2019–2020: 9,1%

RASFF notifications on food supplements

In 2019–2021:

- On average, around 7% of RASFF notifications were related to food supplements.
- Notifications are mainly based on official controls on the market (42%) and monitoring of the media (34%).
- Notifications on food supplements were primarily reported by Germany (17%), Sweden (16%) and the United Kingdom (13%).
- The questionable food supplements originate mainly from the United States (18%), the United Kingdom (12%), China (9%), Germany (8%) and **the Netherlands (8%)**.

Basis of notifications on food supplements
(period 2019–2021)



RASFF notifications on food supplements

Hazards in 2019–2021:

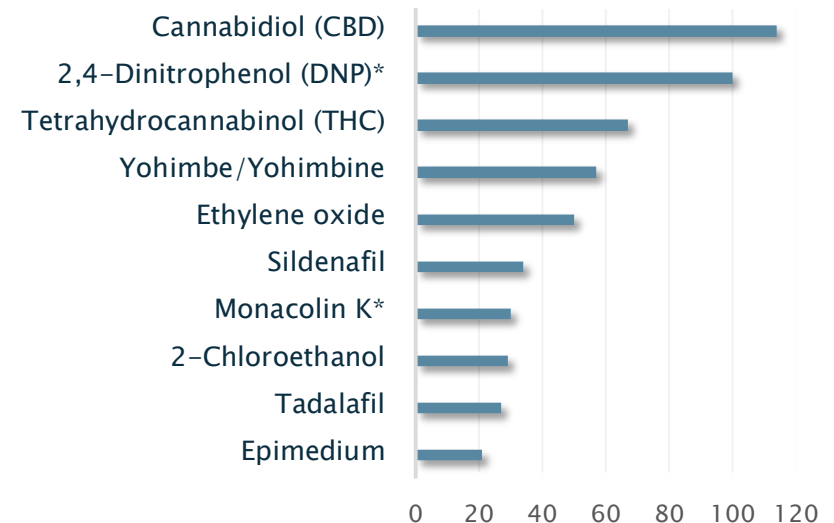
- > 60 % of NEM notifications are due to unauthorised novel foods/ingredients or unauthorised substances
- most frequent hazards:



Quelle: *MysteryShot / stock.adobe.com*

- ✓ Cannabidiol and Tetrahydrocannabinol
- ✓ Yohimbe/Yohimbin
- ✓ 2-Chloroethanol and Ethylene oxide
- ✓ Sildenafil and Tadalafil

TOP10 hazards of food supplements (period 2019–2021)



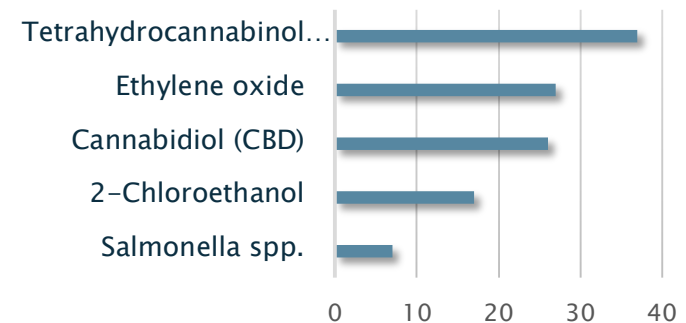
**Note: 95 % of the notifications on DNP originate from the United Kingdom. All notifications on Monacolin K originate from Sweden.*

RASFF notifications on food supplements

What is the situation in relation to Germany?

- 20 % of the notifications on food supplements concern Germany (DE = recipient).
- 70 % of these notifications were submitted to the RASFF by Germany itself.
- The notifications are based on official controls on the market (66 %) and on company's own checks (26 %).
- The most frequent hazards are THC and CBD as well as 2-chloroethanol and ethylene oxide.

TOP5 hazards of food supplements (period 2019-2021, DE = recipient)



Note: All percentages refer to the total number of RASFF notifications on food supplements in the years 2019-2021 for which DE is indicated as the recipient (Σ 172 RASFF notifications).

- The most frequent countries of origin are Germany (21 %), India (17 %),

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> 400



Inspections, enforcement

16 Länder



G@ZIELT contact points

1 Central

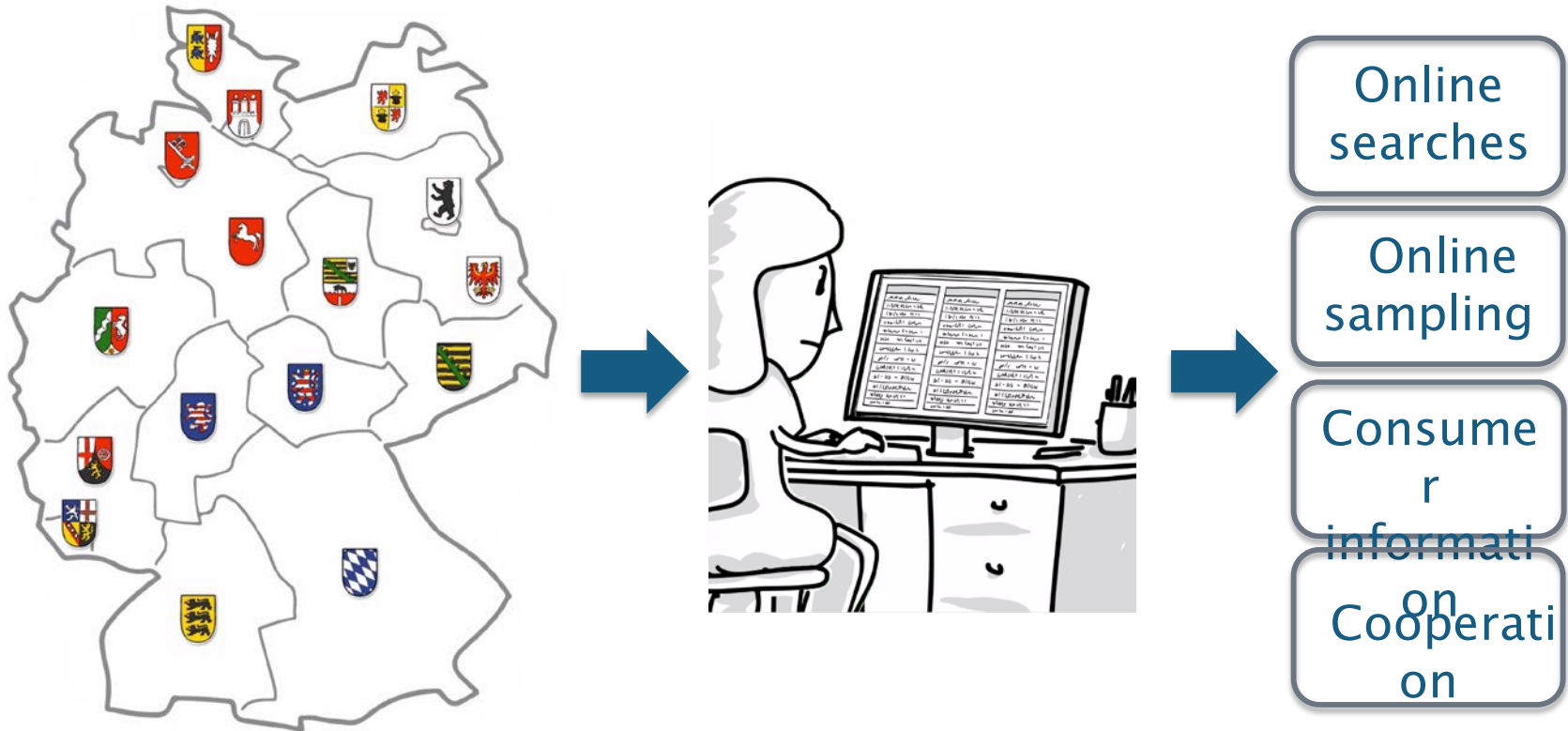
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- Financed by the Länder
- Administrative agreement
- Centralised searches
- Avoid double work
- Bundle expertise

Online searches

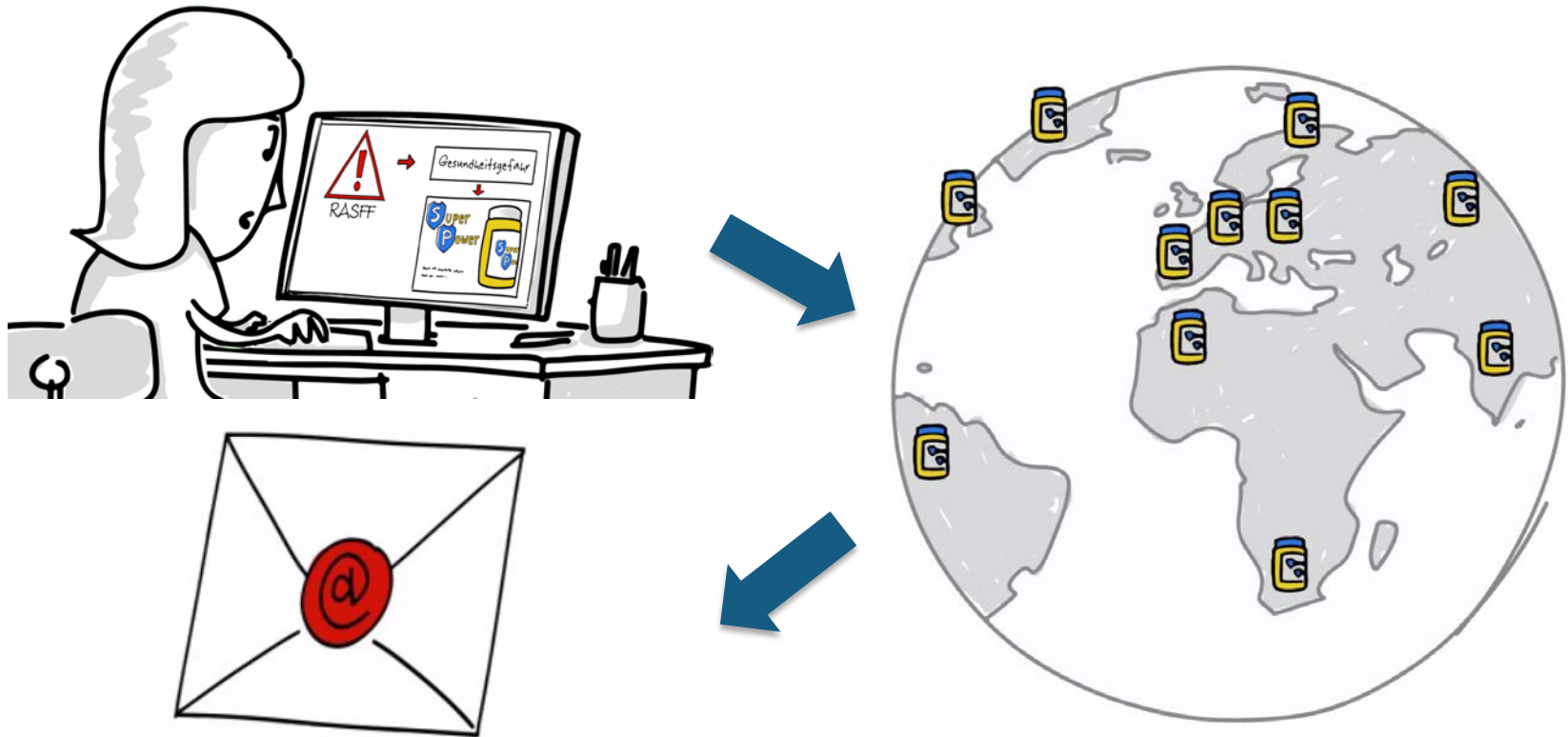
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Tasks & actions



G@ZIELT – online search types

Risk-orientated product search



G@ZIELT – online search types

Coordinated control programs “Annual Plan”



G@ZIELT – online search types

Coordinated control programs “Annual Plan”

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Annual plan

- Since 2014
- >35 programs
- >5500 vendors
- Many not known to CA
- Numerous online samples

G@ZIELT – Online searches

Coordinated control program “CCA Covid”



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Food supplements cannot prevent or cure
Covid-19 disease

Legal classification

- Food supplements belong to the category of food. Unlike medicines, they do not serve to prevent, alleviate or cure diseases.
- Food supplements may not be advertised with disease-related claims. Health-related claims must be approved in advance.

G@ZIELT – Online searches

Coordinated control program “CCA Covid”



Food supplements cannot prevent or cure
Covid-19 disease

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Results

- Online search – suspicious websites identified:
 - EU: 627
 - DE: 61
- Measures taken:
 - Findings forwarded to local CA in DE, EU and TC
 - Inspections, removal of offers, information of service providers

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Coordinated control program “CCA Covid” – Examples

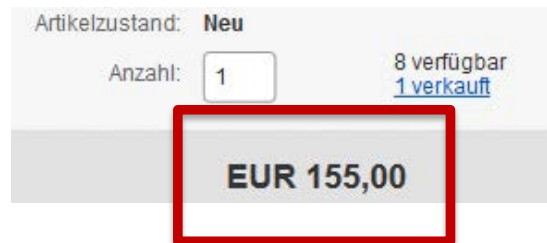


“This product can be used against or for the prophylaxis of the following 12 diseases

[...] arteriosclerosis, [...] haemorrhoids, uterine bleeding, [...] urinary tract infections, [...] bronchitis, reduction of blood lipid levels, [...] thrombosis [...], reduces dry mucous membranes, prevention of heart attacks and strokes, [...] increases the cellular immune system, [...] anti-inflammatory effect [...]”

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Coordinated control program “CCA Covid” – Examples



“It is widely used as a powerful preventive agent, as well as for oncological diseases, diseases of the cardiovascular system and other chronic diseases. The product is characterised by a strong effect on the human body as a bioimmunoregulator [...]. Stimulates the growth of lymphocytes, increases the level of immunoglobulin [...], induces the growth of interferons.”

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Coordinated control program “CCA Covid” – Examples



Zum Heranzoomen mit der Maus über das Bild fahren

Notnahrung Kriesennahrung Grippe Corona Bio Rohkost Nahrungsergänzung NEU

Artikelzustand: Neu

Anzahl: 3 verfügbar

EUR 99,00

Angaben zum Verkauf
3 (910) ★
100% Positive Bewertung
Angemeldet als privater Verkäufer

“Emergency Food Crisis Food Flu Corona Organic Raw Food Supplement NEW”

“The powder is priceless. I am not allowed to write anything about the effect here. [...] Everything is in organic, raw food quality. [...] The can is designed for one month. If you have a health problem, take more.”

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Coordinated control program “cereal grass” –

Examples

Claims from different websites:

“They influence cholesterol levels, [...] blood pressure and blood sugar, support weight loss, ensure a healthy heart, support the immune system and have a preventive effect on the development of cancer.”

“In addition, it has a calming and relaxing effect on people suffering from stress, sleep disorders and hyperactivity, as well as a detoxifying [...] effect.”

“Barley grass has a far-reaching [...] effect on our health...important for cell protection and the thyroid gland...stimulates the immune system and the self-healing powers”



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Coordinated control program “(manuka) honey” –

Examples

Frequently used claims on websites:

- "antibacterial"
- "antiseptic"
- "beneficial"
- “positive effects on the immune system”
- “positive effects against colds”



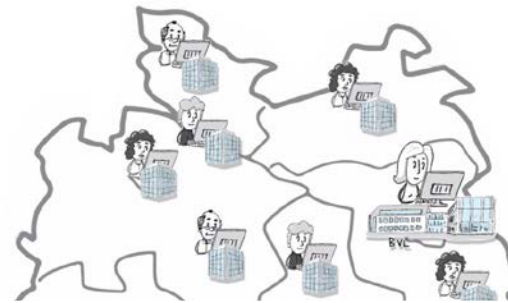
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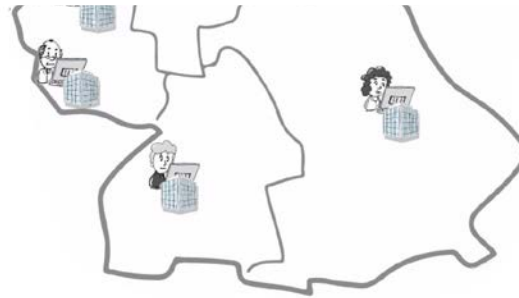
Comprehensive e-FBO searches



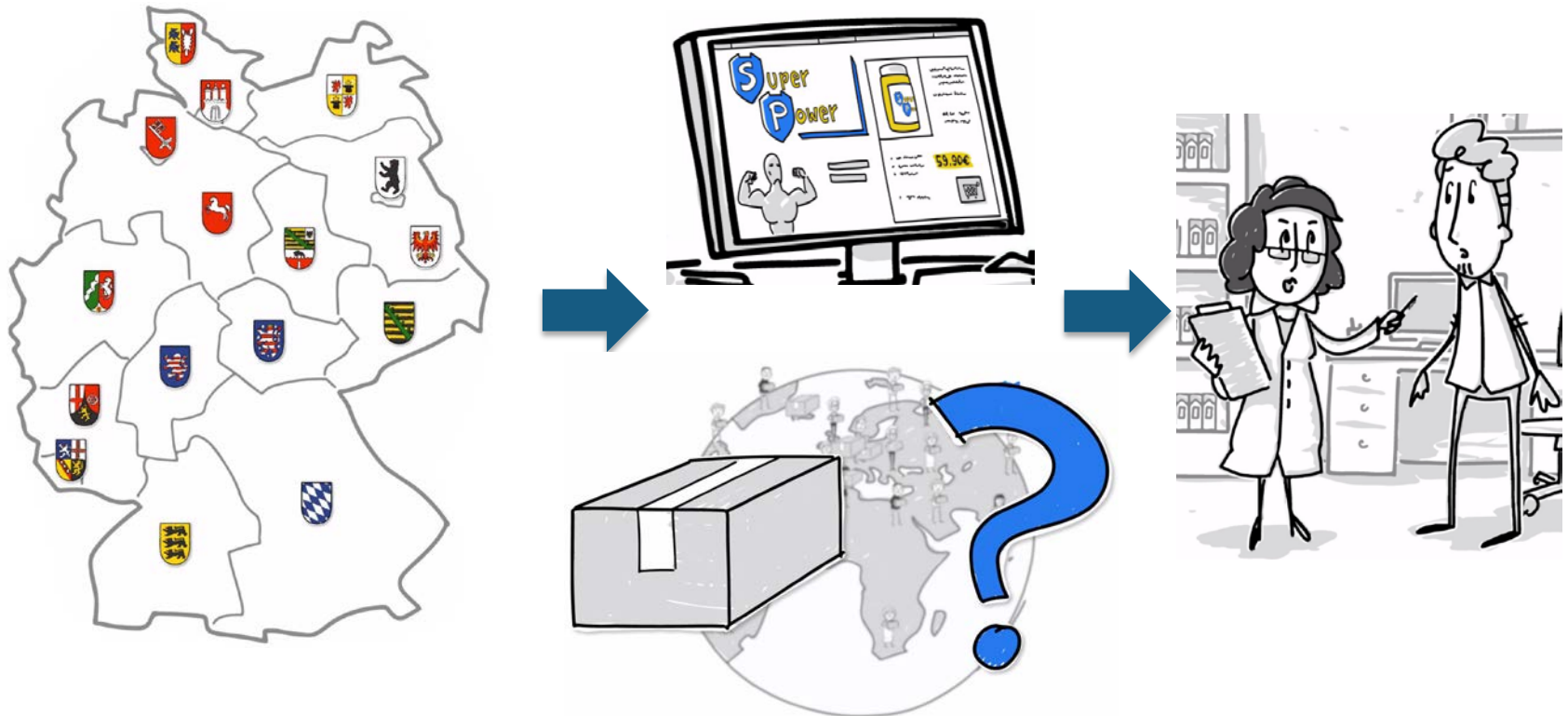
Federal Central Tax
Office



~40% of pure online vendors
were NOT registered as FBO



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Consumer information

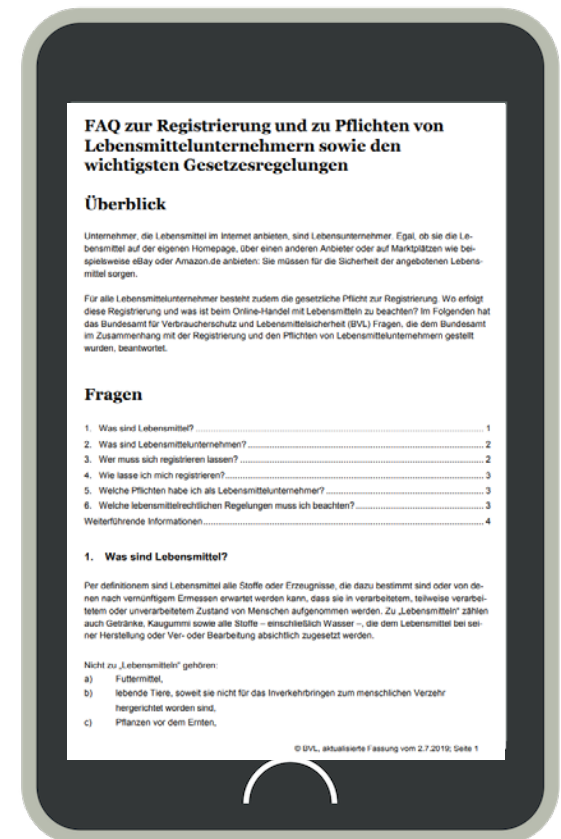


Vendor information



G@ZIELT – FAQs

- For online vendors of
 - Food
 - Feed
 - Cosmetics
- Overview on legislation and obligations



Cooperation

The G@ZIELT stakeholder network



International approaches

Standards, regulations and third-party audits

EU audits

- 2017: EU fact-finding missions on eCommerce
 - Overview report:
 - https://ec.europa.eu/food/audits-analysis/overview_reports/act_getPDF.cfm?PDF_ID=1340
 - Audits will follow



Codex

- Discussions on international eFood standards are ongoing
 - e.g. food information online (CCFL)

eFood legislation & regulatory challenges

Achievements

Identification & Registration of eFBOs

- Automated searches by Federal Central Tax Office
 - § 38a, LFGB

Responsibility of Service Providers

- Transmission of information on products with health risk
 - § 38b, LFGB

Food information in online offers

- Consumers must receive all relevant food information in online offers, before the purchase is made



eFood legislation & regulatory challenges

Achievements

Website closure

- “Ultima ratio”, if all other measures fail
 - Art. 138 (2) i, Reg. (EU) 2017/625
 - Official Control Regulation

Online sampling

- Competent authorities can order products anonymously
 - Art. 36, Reg. (EU) 2017/625 and § 43a, LFGB
 - EU and DE food law
 - Art. 9(3), Reg. (EU) 2017/2394
 - Consumer Protection Cooperation Regulation
 - Art. 14 (4), Reg. (EU) 2019/1020
 - Market Surveillance Regulation



EU eCom policy

From “eCom Directive” to “Digital Services Act”

Basic framework

- Directive 2000/31/EC
 - „eCom directive“
- <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32000L0031>
- Imprint obligations/Responsibility of service providers

Proposal: The Digital Services Act

- amending Directive 2000/31/EC
- <https://ec.europa.eu/digital-single-market/en/news/proposal-regulation-european-parliament-and-council-single-market-digital-services-digital>



EU eCom policy

From “eCom Directive” to “Digital Services Act”

Challenges

- Platforms should be obliged to
 - Check eFBO registration
 - Inform the public about non-compliant products
- PSPs and logistic companies should also be obliged to cooperate with competent authorities (information request, online sampling, anonymous payment)
- Legal basis for anonymous searches e.g. in closed groups (social media)



Thank you for your attention!

Contact:

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Cosmetics, Consumer Goods and
Tobacco Products Traded on the
Internet**

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