



FOOD
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AGENCY

WALES
ASiantaeth
SAFONAU
BWYD
CYMRU

Directors of Public Protection Wales

Copies to:
CIEH-Cymru Wales
LACORS

9 August 2004

Reference: ENF/W/04/018

Dear Director

CARBON MONOXIDE AND SMOKED TUNA

I am writing to inform you that consignments of tuna treated with carbon monoxide as a food additive should not be allowed entry to the UK.

The use of carbon monoxide as a food additive is prohibited within the EU under Directive 95/2/EC (on food additives other than colours and sweeteners), implemented into UK law by the Miscellaneous Food Additives Regulations 1995 (as amended). A request for the inclusion of carbon monoxide in the 5th amendment to Directive 95/2/EC last year, was rejected by both the EU Council of Ministers and the European Parliament. This decision followed an opinion of the EU Scientific Committee on Food in December 2001 that highlighted the potential for treatment with carbon monoxide of fresh meat to mask visual evidence of spoiling.

Moreover, the use of carbon monoxide to treat sliced tuna has been identified by the European Commission as a potential public health hazard. This is because of the non-authorized use of carbon monoxide to treat sliced tuna, either as such or more typically via "light" smoking with deodorised wood smoke which contains significant amounts of carbon monoxide gas. Treatment causes an irreversible colour change in the fish flesh that has the potential to mislead consumers. As the product stays red even if it deteriorates or spoils, it is considered to be a potential public health hazard. In some cases the fish is not properly labelled to indicate the treatment, and in others the descriptions "cold-smoked" or "lightly-smoked" could be misleading since the fish does not have a smoked taste. Products have been reported on the EU market imported from Indonesia and the Philippines.

Action Requested

Any consignments of tuna that have been treated with carbon monoxide should not be allowed entry to the UK.

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Enforcement action may be taken under Regulation 21 of The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2004 (SI No.1430 (W.144)). The use of carbon monoxide as described above would be regarded as an irregularity in relation to the product (under Regulation 21(1)(a)), namely, a "defect in the product rendering it unfit for the purpose for which, according to the required documents, it is intended" (Regulation 21(5)(e)).

However, the product would not be regarded as a non-conforming product under Regulation 21(1)(a) of The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2004. A non-conforming product is one that does not comply with the import conditions in the EU legislation listed in Schedule 1. Directive 95/2/EC is not included in Schedule 1 of the Regulations. (Both "import conditions" and "non-conforming product" are defined in Regulation 2 of the Regulations).

I would like to remind you that the Agency has an imports section on its website. It can be found at www.food.gov.uk/imports.

Please note that the above is the Agency's opinion only. A definitive view on the Regulations can only be pronounced in the Courts, and you may wish to obtain your own legal advice.

Yours sincerely

Jane M Davies
Assistant Director