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Federal Office of Consumer Protection and Food Safety

Common Central Unit “Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet”

Annual Report 2020



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List of Abbreviations

Abbreviation	Meaning
BVL	Federal Office of Consumer Protection and Food Safety
BZSt	Federal Central Tax Office
EFSA	European Food Safety Authority
G@ZIELT	Common Central Unit "Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet"
LFGB	Food and Feed Code
RAPEX	Rapid Exchange of Information System / European Rapid Alert System for Dangerous Consumer Products
RASFF	European Rapid Alert System for Food & Feed
VwV	Administrative Arrangement

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1 Foreword

In 2020 the e-commerce (electronic commerce or online trade) of food, feed, consumer products, cosmetic products and tobacco products recorded a very strong growth. The restrictions in everyday life brought about by the Covid-19 pandemic led to an increased use of online shops and online marketplaces for the purchase of products for everyday use – far beyond the growth trend that existed already for years. It remains to be seen to what extent the consumption habits established by consumers in the virtual world will continue in the future.

The Central Unit G@ZIELT, which is financed by the Federal States (*Länder*), was already established in 2013 at the Federal Office of Consumer Protection and Food Safety (*Bundesamt für Verbraucherschutz und Lebensmittelsicherheit* – BVL). G@ZIELT is the German abbreviation of the Common Central Unit “Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet”. It carries out preparatory work for the control and monitoring authorities of the Federal States in the above-mentioned product categories and bundles technical expert knowledge and facilities. The competent monitoring authorities of the Federal States are thus supported significantly in the official monitoring of e-commerce, as online traders operate across national borders due to the opportunities provided by the internet. G@ZIELT systematically searches the internet for offers of products, especially those which are potentially hazardous to the health of consumers in Germany. The associated data are transmitted to the locally responsible monitoring authorities, which can then take measures such as cautioning of traders, imposing fines or removing offers from the websites.

This Annual Report reflects the activities of the Central Unit in 2020. A more detailed presentation of the work by the Central Unit and useful information for consumers and e-commerce stakeholders are also available on the website of the Federal Office of Consumer Protection and Food Safety (www.bvl.bund.de/internethandel).

2 Introduction and Executive Summary

In 2020, the growth trend in e-commerce with food, consumer products, cosmetics, feed and tobacco products recorded a significant increase due to the Covid-19 pandemic. The total volume of the product group cluster “Convenience Goods” traded online rose by a total of 40.9% and reached total sales revenues of EUR 6.89 billion including VAT.¹ The e-commerce of food had already risen by 17.3% in 2019 but recorded a further enormous growth by 67.2% to EUR 2.67 billion in 2020.¹

The share of the products traded online in 2020 in the product group Body Care / Cosmetics amounted to 17%.² Almost half of the internet users have already ordered food online;² 15% order food online at least every second week.²

The internet is not a legal vacuum. The relevant legal provisions of general food and feed law apply to both the stationary and the internet trade. The competent authorities of the Federal States in Germany have responded to this development and on the basis of an Administrative Arrangement (VwV), they have set up the Common Central Unit of the Federal States “Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the internet“, G@ZIELT for short, at the Federal Office of Consumer Protection and Food Safety. Since July 2013, the Central Unit has been carrying out preparatory and supporting activities for the Federal States to control the internet trade in food, feed, cosmetic products, consumer goods and tobacco products. The goal is to improve consumer protection in the area of online shopping and to contribute towards securing a comparable level of protection as in the stationary trade.

Figure 1 shows the tasks and information channels of the Common Central Unit schematically:

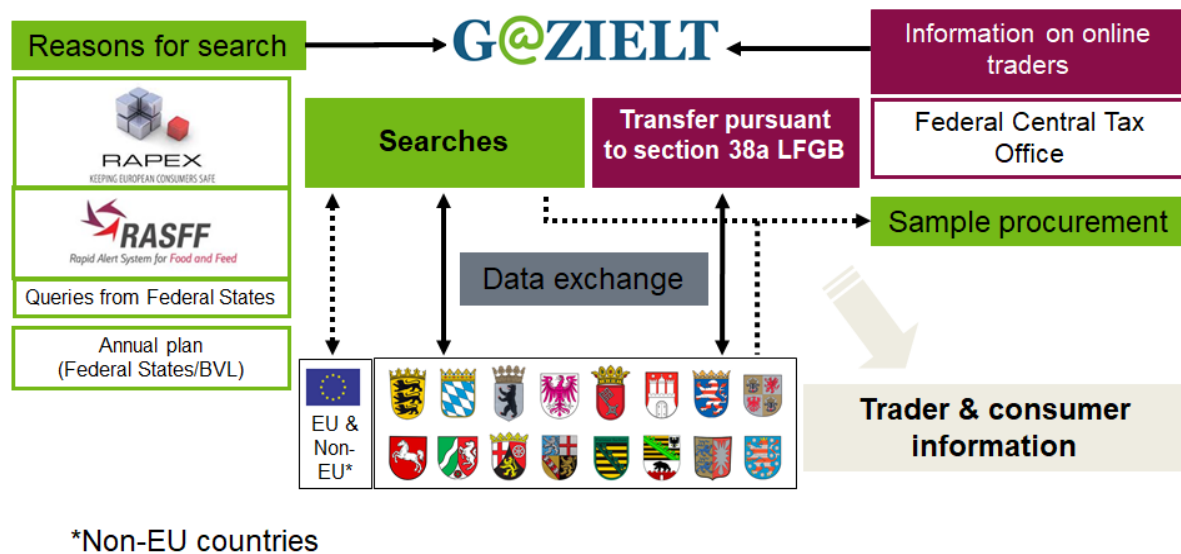


Figure 1: Schematic presentation of the tasks and information channels of G@ZIELT

Within the framework of product searches, the Central Unit screens, as a preparatory activity for official food monitoring, notifications in the European Rapid Alert System for Food & Feed (RASFF) as well as in the European Rapid Alert System for Dangerous Consumer Products (RAPEX). It checks whether the products concerned are offered on the internet to consumers in Germany. The information compiled on offers and traders is passed on to the contact points of the Federal States in whose area of responsibility the registered office of

¹ <https://www.rundschau.de/artikel/e-commerce-umsatz-mit-lebensmitteln-steigt-2020-deutlich>

² Online Monitor 2021; <https://einzelhandel.de/online-monitor>

the respective online trader is located. Traders with a registered office abroad are identified; this information is sent to the competent unit at BVL for forwarding to the countries concerned.

In addition to these occasion-based searches, the Central Unit also conducts so-called annual plan searches on priority topics. These priority topics are coordinated between the Federal States and the Central Unit for the respective following year. The Central Unit conducts searches on the selected priority topics. The competent authorities of the Federal States carry out on-site controls at the premises of the searched traders, including sampling if necessary, or check whether the searched traders are already known and registered as companies which offer products subject to the German Food and Feed Code (*Lebensmittel- und Futtermittelgesetzbuch – LFGB*), or products that can be confused with food.

The Central Unit automatically receives information from the Federal Central Tax Office (BZSt) on online traders to make the processed data available to the competent monitoring authorities of the Federal States pursuant to § 38a LFGB (so-called XPIDER data). In this way, traders operating on the internet and not yet known to the competent monitoring authorities are controlled in a risk-oriented manner, just like companies in the stationary trade. On site, traders not yet known can be included in the risk-oriented monitoring and any registration or approval obligations can be verified.

To strengthen the expertise of the Central Unit in controlling e-commerce and determining contact persons and contacts for various issues, the Central Unit maintains and continuously extends a broad exchange of expert information with numerous organisations and public authorities on a national and international level.

Further activities of the Central Unit include the elaboration of materials to inform consumers about safe online shopping and traders about their obligations and responsibilities in conjunction with the online sale of food, feed, consumer goods, cosmetics and tobacco products. These are available for download on the BVL website.³

³ www.bvl.bund.de/internethandel

3 Results

3.1 Food

With a view to the conduct of product searches, notifications in the European Rapid Alert System for Food and Feed (RASFF) are screened. As a preparatory activity for official food monitoring, it is checked whether the products concerned are offered on the internet. In addition, the Central Unit investigates on behalf of the Federal States whether further potentially risky foods (which have subject to objections by the competent local authorities, for instance) are offered to German consumers on the internet.

In 2020, 91 product searches led to the identification of 447 potentially risky offers.

In 2020, the Central Unit also conducted numerous searches based on alerts about food supplements. The products concerned contained, for instance, unauthorised ingredients such as dimethylamylamine (DMAA), dimethylhexylamine, 2-aminoisoheptane (DMHA) and dimethylaminoethanol (DMAE), which are to increase performance during sports activities. Depending on the administered amount, DMAA for instance, can lead to an acute temporary increase in blood pressure in humans. Permanent use in combination with caffeine can potentially lead to a chronic increase in blood pressure.⁴ DMHA is an amphetamine-related substance, while DMAE is an organic chemical compound from the group of alkylated amino alcohols, which have a supposedly beneficial effect on the central nervous system. Foods containing DMHA and / or DMAE are classified as “Novel Foods”, which are currently not authorised. The term “Novel Food” is understood to mean any food that was not used for human consumption to a significant degree in the European Union before 15 May 1997 and which meets at least one other of the criteria set out in the associated EU Regulation (such as being produced by a novel process).⁵ They are subject to uniform EU-wide Regulations to ensure a high level of protection of human health and consumer interests. In all cases, the Central Unit transmitted the search results to the contact points of the Federal States concerned. The competent food monitoring authorities, therefore, were able to cause the removal of the offers concerned from the websites of the traders.

Furthermore, the Central Unit identified online offers of confectionery which could have involved an acute risk of suffocation. According to the alert, the products contained ingredients that were subject to objections because of a possible suffocation hazard when consuming the mentioned jelly confectionery. In these cases, the risk originated from the way the products were consumed, since young people carried out “challenges” in social networks and on social media platforms and deliberately tried to choke on the products.

With the onset of the Covid-19 pandemic in Germany, G@ZIELT conducted targeted searches on offers and advertising for food supplements in connection with Covid-19. Food supplements can neither prevent nor cure Covid-19. Nevertheless, various online traders are trying to exploit the uncertainty among the population in this situation and to increase the sales of their products with dubious or even illegal advertising claims. Within the framework of a coordinated eCommerce Action Plan of the European Commission, corresponding searches were, therefore, also carried out in the other EU member states since April 2020. The major online marketplaces and social media were likewise made aware of the issue and called upon to remove corresponding offers from their platforms on their own.

In the course of the control campaign, 646 conspicuous websites were identified across the EU during the reporting year. In Germany, G@ZIELT identified 61 websites. The German language online offerings were transmitted to the competent food monitoring authorities in the Federal States or the EU member states for

⁴ <http://www.bfr.bund.de/cm/343/gesundheitsliche-bewertung-von-dmaa-als-inhaltsstoff-von-produkten-die-als-lebensmittel-in-verkehr-gebracht-werden.pdf>

⁵ https://www.bvl.bund.de/DE/Arbeitsbereiche/01_Lebensmittel/04_AntragstellerUnternehmen/05_NovelFood/lm_novelFood_no_de.html

verification. The local authorities were able to carry out on-site controls and arrange for the modification or deletion of the offers. The European Commission published a summary of the results of all participating member states on the internet.⁶

In a search for food of animal origin, several offers of reindeer antlers in cut and powdered form on online marketplaces, which were offered for human consumption, were identified. The products were classified by the competent authority in Great Britain as unauthorised novel foods. The results of the search were forwarded to the competent contact points of the Federal States. G@ZIELT requested the marketplaces, on behalf of the Federal States, to remove the corresponding offers on the internet.

Based on an alert, the Central Unit conducted a search on food supplements which were subject to an objection because of their high curcumin content. The products had contents that led to the acceptable daily intake (ADI) being exceeded. This refers to the dose of a substance, including certain food ingredients or additives, which is considered as safe when consumed on a daily basis over a lifetime. The search results were transmitted to the competent contact points of the Federal States so that appropriate on-site controls were carried out subsequently.

Within the framework of search remits from the Federal States, the Central Unit compiled overviews of offers and traders, eg of vitamins and enzymes for food production as well as of products for flavouring food which, according to their product labelling, contain crushed or processed vanilla products (vanilla extract, ground vanilla beans, vanilla seeds, etc). Since on the one hand the harvest quantities for genuine vanilla have been rather low, but on the other hand the demand is still high, this results in high market prices for this raw material. Food producers may, therefore, tend to replace the raw material, reduce the quantities used or use substitute products. Based on the search results, 11 samples were obtained and analysed by the competent authorities, of which 10 samples were not objectionable. One sample – a vanilla salt with genuine bourbon vanilla from Madagascar – was objected to because of violations of labelling provisions and because of misleading information. The competent food supervisory authority issued an administrative order, and the internet offer was deleted by the company.

On the basis of § 38a LFGB (German Food and Feed Code), a total of more than 11,800 online traders were referred to the local food monitoring authority since 2011 for verification of the duty of registration. The feedback received over the years showed that with a rate of 11%, some traders who offer food both locally and online, were unknown to the authorities. In the area of online-only traders, 36% of the traders were unknown to the monitoring authorities. It was thus possible to register them through the official food monitoring.

3.2 Feed

Feed is defined as substances or products, including additives, processed, partially processed or unprocessed, which are intended as oral animal feed. The German Food and Feed Code (LFGB) includes regulations for feed that is placed on the market both for pets and for farm animals, including e-commerce, amongst others. In this area, too, products are offered with unauthorised additives, faulty claims or possible health risks for humans or animals.

Within the framework of the annual plan 2020, the focus in the area of controlling e-commerce in feed was on suppliers of feed containing CBD for all animal species, who offer their products in online shops and on internet marketplaces.

⁶ https://ec.europa.eu/food/safety/official_controls/eu-coordinated-control-plans/covid-19_en

In the focal search carried out for this purpose, 208 suppliers of CBD-containing feed for all animal species, based in Germany, were identified. The searched CBD-containing feeds are mainly offered for the pet sector, above all for cats and dogs.

The search results were forwarded to the Federal States so that measures could be taken locally within their scope of responsibility, such as the removal of the product offers from online trade.

On the basis of § 38a LFGB, a total of more than 670 online traders have been forwarded to the local feed monitoring authorities since 2013. The feedback received showed that, with a rate of 22%, some traders were unknown to the authorities and can, therefore, now be monitored by the official feed monitoring authorities.

3.3 Consumer Goods

Consumer goods are, more particularly, items which are intended to come into contact with food, cosmetic products or not only temporarily with humans. In addition to dishes, cutlery and cooking utensils, this also includes toys, clothing, packaging for cosmetic products and cleaning agents for household use.

To identify potentially risky online offers of consumer goods aimed at consumers in Germany, the alerts in the European Rapid Alert Systems RASFF and RAPEX are used to check in a target-oriented manner whether the products concerned are offered for sale to German consumers on the internet. During the period under review, many online offers of the products concerned were searched and forwarded to the competent authorities.

In 2020, 33 product searches were carried out in the area of consumer goods, in which 123 risky offers were identified.

During the searches in the field of consumer good offers of children's cutlery were identified amongst others. There were objections concerning the products due to their high lead content. On-site controls revealed, amongst others, that product recalls had already been initiated, all customers had been informed and the products had been returned to the companies placing them on the market.

Other searched products included ice cube trays which showed an unacceptable high migration of the dye rhodamine B. According to the Scientific Panel of the European Food Safety Authority (EFSA), the substance may have carcinogenic and genotoxic effects. Furthermore, bamboo cups involving objections due to the risk of migration of formaldehyde were searched in 2020. Formaldehyde can cause irritation of the gastrointestinal mucosa when administered orally. These products hence pose a risk to the health of consumers.⁷

In 2020, several searches on costume jewellery made of metal as well as online sample procurements in the area were commissioned by the Federal States. The search results were forwarded to the Federal States so that measures could be taken locally within the scope of responsibility, such as the removal of the product offers from online trade. The investigations on the samples procured by G@ZIELT were based on the annual plan programme "Investigations on Costume Jewellery from e-Commerce for Lead and Cadmium" of 2019, which resulted in numerous objections. In continuation of this focus, online samples were obtained from 12 traders, of which only 28% were found to be free from objections (including labelling deficiencies). The lead and cadmium contents found were mostly 90 – 9200 times higher than the respective admissible maximum amount.

⁷ <https://www.bfr.bund.de/cm/343/gefaesse-aus-melamin-formaldehyd-harz.pdf>

3.4 Cosmetics and Tattooing Agents

Cosmetic products are substances intended to come into external contact with the human body (skin, nails, hair) or with the teeth and oral mucous membranes. These include, for instance, decorative cosmetics such as makeup, nail polish, skin cream or products to influence body odour such as perfume and deodorant, as well as soap, toothpaste, sunscreens, shaving cream and bath additives.

The term tattooing agent is used to describe products containing dyes that are introduced into or under the human skin. According to § 26 of the German Food and Feed Code (LFGB), neither cosmetic products nor tattooing products may be produced or placed on the market if they are likely to be harmful to health. Further rules and regulations on tattooing products are contained in the National Tattooing Products Ordinance (*Tätowiermittel-Verordnung - Tätov*) which specifies, among other things, the required labelling and the ban on certain substances.

In 2020 the Central Unit conducted 18 product searches on cosmetic products and tattooing agents and identified 61 risky offers in this connection.

In previous years, the Central Unit found, amongst other things, online offers of skin bleaching creams for which rapid alerts had been entered in the RAPEX system due to the presence of the unauthorised substance hydroquinone. The use of hydroquinone in cosmetic products for skin bleaching is banned in the EU, as hydroquinone is suspected of being carcinogenic.

Furthermore, online offers of nail polish were searched that contained nitrosamines such as N-nitrosodiethanolamine (NDELA), N-nitrosodimethylamine (NDMA), N-nitrosomorpholine (NMOR) and N-nitrosodiethylamine (NDEA) as well as non-declared dyes. Nitrosamines belong to the group of carcinogenic substances and are banned in cosmetic products, except for technically unavoidable traces, according to the EU Cosmetics Regulation. The results of the search were forwarded to the competent contact points of the Federal States so that the local food control authorities could have the products removed from online trading.

In the past, official investigations of face masks for cleansing the skin revealed arsenic and lead levels that were clearly above the technically avoidable levels for cosmetic products. The "Monitoring Committee", therefore, asked G@ZIELT to search suppliers in Germany of face masks and packs based on aluminium silicate in e-commerce. The G@ZIELT annual plan accordingly included the programme "Investigation of Aluminium Silicate-based face masks for elements" in 2020. Based on the list of searched online traders, the Federal States were given the opportunity to examine samples from online trading in addition to samples from stationary trading as part of the monitoring. The evaluation of the programme was carried out within the framework of the annual monitoring report, which was published on the BVL website in autumn 2021.⁸

On the basis of § 38a LFGB, information on more than 2,600 online traders of cosmetic products was forwarded to the competent monitoring authorities since 2013. The feedback received showed that, with a rate of 11%, some traders were unknown to the authorities, who can now also be officially monitored.

3.5 Tobacco Products

In order for tobacco products and related products to be comprehensively controlled, there is a registration obligation for certain traders. § 22 of the German Tobacco Products Act requires that cross-border distance selling of tobacco products, electronic cigarettes or refill containers (e-liquids) to consumers are registered with the competent monitoring authorities. The registration must be submitted to the competent authority in the EU

⁸ www.bvl.bund.de/monitoring

member state in which the company is established and to the competent authorities of the EU member states in which the products are to be placed on the market.

In 2020, the Central Unit conducted a search for online traders of tobacco products, e-cigarettes and refill containers on behalf of the Federal States. On this occasion, 93 traders were identified in Germany. On the basis of these research data, the competent monitoring authorities were able to carry out appropriate controls (eg with regard to the correct registration of the online traders).

4 Miscellaneous

Not only food, feed, consumer products, cosmetics and tobacco products are increasingly marketed on the internet. Consumers are also being offered numerous plant protection products, plant fortifiers and related additives on the internet, which are subject to special authorisation and approval procedures as well as an advisory duty on the part of the seller. For that reason, a Common Central Unit "Online Surveillance of Plant Protection Products" (ZOPf) has been established for this area.