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

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Common Central Unit "Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet" (G@ZIELT)

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Foreword

As a matter of principle, products offered on the Internet must comply with the same relevant legal provisions governing the general food and feed law as those offered in the stationary trade. It is the responsibility of the competent monitoring authorities of the federal states to check compliance with these legal provisions. However, since suppliers on the Internet rarely operate within regional or national borders, the controlling and monitoring authorities have been confronted with special challenges since the development of online trade.

In 2013, the G@ZIELT central unit of the federal states was therefore set up at the Federal Office of Consumer Protection and Food Safety (BVL). The designation "G@ZIELT" stands for "Common Central Unit for the Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet". Financed by the federal states, it carries out preparatory activities for control and monitoring in the area of all product categories of the German Food and Feed Code (LFGB) as well as tobacco products. The necessary technical expert knowledge is thus bundled in a single central institution and the federal states are supported in enforcing consumer health and protection against deception in Internet trade.

G@ZIELT systematically searches the Internet for offers of primarily potentially health-threatening products for consumers in Germany. The corresponding data are passed on to the locally responsible surveillance authorities via the contact points of the federal states. These authorities can then take appropriate measures such as informing suppliers, imposing fines or removing the offers from the websites.

This Annual Report describes the activities of the Central Unit in 2021. A more detailed presentation of the work of the Central Unit and helpful information for consumers and players in online trade are also available on the BVL website at www.bvl.bund.de/internethandel.

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List of abbreviations

Abbreviation	Meaning
BVL	Federal Office of Consumer Protection and Food Safety
CBD	Cannabidiol
EU	European Union
G@ZIELT	Common Central Unit "Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet"
LFGB	German Food and Feed Code
RAPEX	Rapid Exchange of Information System / European Rapid Alert System for Dangerous Products
RASFF	Rapid Alert System for Food and Feed
THC	Tetrahydrocannabinol

1 Introduction and Executive Summary

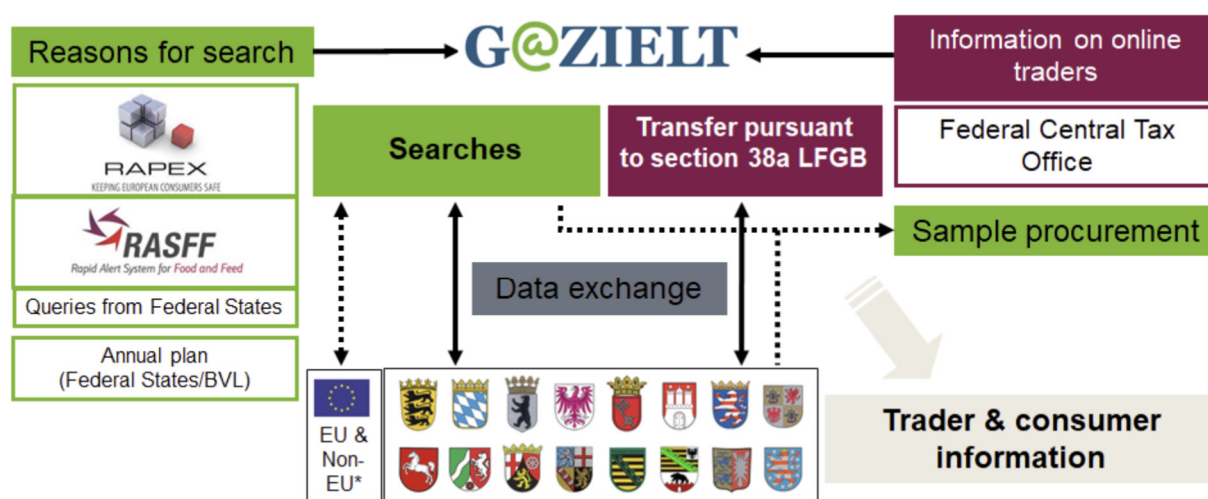
In 2021, online trade experienced a record year for the second time in a row. Due to the COVID 19 pandemic, sales via the Internet flourished and sales revenues increased by another 19 % to EUR 87 billion compared to the high-revenue prior year.¹

While total sales revenues in the daily consumer goods sector remained constant overall compared to the previous year, the share of online revenues included in this figure continued to increase so strongly that this sector was even one of the growth drivers of online trade. The share of food traded online alone grew by 35 %.¹

In online trade, the same relevant legal provisions of the general food and feed law must be followed by the trader as in stationary trade. In order to organise official monitoring adapted to the location-independent structure of the Internet, the competent authorities of the federal states 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 on the basis of an Administrative Arrangement (VwV).

Since July 2013, the Central Unit has been carrying out preparatory and supporting activities on behalf of the federal states to control online trade in food, feed, cosmetics, consumer goods and tobacco products. The aim is to improve consumer protection in the area of online shopping and to contribute towards ensuring a comparable level of protection as in stationary trade.

The work of the Central Unit is divided into several areas of responsibility. Figure 1 schematically depicts the tasks and information channels of the Central Unit.



*Non-EU countries

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

One focal point is the performance of **product searches**. For this purpose, the Central Unit screens the notifications of the European Rapid Alert System for Food and Feed (RASFF) as well as notifications of the European Rapid Alert System for Dangerous Consumer Products (RAPEX). The notifications contain information on products which have been assessed as "unsafe" for various reasons. As a preparatory activity for official food monitoring, the Central Unit checks whether the products concerned are also offered on the Internet and whether the offers are directed at consumers in Germany. The information on the offers and the companies offering the products is forwarded to the respective contact points of the federal states in whose area of responsibility the

¹ HDE ONLINE-MONITOR 2022: https://einzelhandel.de/index.php?option=com_attachments&task=download&id=10659. All sales revenues are net (without value-added tax).

registered office of the respective suppliers is located. If these are based abroad, the information is sent to the competent unit at BVL for forwarding to the countries concerned.

In addition, the Central Unit carries out searches within the framework of country mandates to determine whether other potentially risky foodstuffs or consumer products are offered to consumers in Germany on the Internet.

Besides these incident-related product searches, coordinated control programmes are also carried out within the framework of the so-called **Annual Plan**. During the respective previous year, new annual focal points are determined in consultation between all the states and the Central Unit. The Central Unit then conducts a search on the selected priority topics and identifies corresponding online offers. On the basis of this information, the competent authorities in the federal states carry out on-site inspections and, if necessary, sampling. It is also checked whether the companies searched and active on the Internet are already known and whether the registration obligations have been complied with.

The Central Unit receives automatically determined information from the **Federal Central Tax Office (BZSt)** on online traders to provide the competent supervisory authorities of the federal states with the processed data based on Section 38a LFGB (so-called XPIDER data). On-site, previously unknown internet traders can be included in the risk-oriented monitoring and any registration or authorisation obligations can be checked. In this way, companies operating on the internet and not yet known to the competent supervisory authorities can be inspected in the same risk-oriented manner as those in the stationary trade.

To strengthen the expertise of the Central Unit in controlling online trade and to establish contact persons and contacts for various issues, the Central Unit maintains and continuously expands a broad **exchange of information with numerous organisations and authorities** on a national and international level.

Further activities of the Central Unit include the elaboration of materials to provide information for consumers on safe online shopping and for companies on their obligations and responsibilities in connection with the online sale of food, feed, consumer goods, cosmetics and tobacco products. These are available for download on the BVL website².

² www.bvl.bund.de/internethandel

2 Results

2.1 Food

In order to carry out product searches in the food category, notifications in the European Rapid Alert System for Food and Feed (RASFF) are screened. As a support for official food monitoring, it is checked whether the products concerned are offered on the Internet. Furthermore, the Central Unit searches on behalf of the federal states whether other potentially risky foodstuffs (which have been objected to by the competent food monitoring authorities, for instance) are offered to consumers in Germany on the internet.

In 2021, 68 product searches were carried out in the category "Food", which led to the identification of a total of 736 online offers of potentially risky products. Of these, 546 offers were identified where the registered office of the supplier was based in Germany.

In the reporting year, many of these searches repeatedly concerned products from the area of **food supplements**. The products were most frequently reported to the RASFF due to added unauthorised substances (e.g. medicinal substances or silver), the exceeding of maximum amounts of certain ingredients (e.g. caffeine) or high contents of undesirable substances (e.g. aloin or mercury).

In addition, the Central Unit identified **online offers of various cannabis products**, such as herbal teas with hemp, which showed increased levels of tetrahydrocannabinol (THC) in laboratory tests. THC is a psychoactive substance from the hemp plant and, like cannabis itself, is subject to the Narcotics Act in Germany. Due to incorrect processing or contamination, the liposoluble substance from the hemp plant can in some cases also be detected in the food products made from it. The results of the investigations were forwarded to the federal states concerned. Only a short time later, 61% of the online offers had already been removed or were no longer available.

Within the scope of a focal search on cannabidiol (CBD)-containing feedstuffs, numerous offers of CBD-containing foodstuffs and cosmetics had already attracted attention in 2020. This information was passed on to the competent authorities of the federal states for further use in spring 2021.

The Central Unit also compiled overviews of offers in which **insects were sold as foodstuffs** or of foodstuffs containing insects within the framework of search orders from the federal states. These are considered as "novel foods" in the EU and must have been approved as such prior to sale.

The term "novel food" is understood to mean all foodstuffs which were not used or not used to any significant extent for human consumption in the European Union before 15 May 1997 and which meet at least one other of the criteria specified in the associated EU Regulation (e.g. production using a novel process). They are subject to uniform EU-wide rules to ensure a high level of protection of human health and consumer interests.

Based on the search, the online offer of foodstuffs containing insects can be classified as rather low. Companies offering such products could only be found in some of the federal states.

Furthermore, a total of 939 online traders could be forwarded to the competent food monitoring authorities of the federal states in 2021 for verification of the registration obligation on the basis of section 38a LFGB. The feedback received over the past years showed that, with a rate of 14%, some companies offering food both on-site and online were unknown to the authorities. Of the online suppliers who only trade online, 34% were unknown to the monitoring authorities. These could thus be registered by the official food monitoring authorities.

2.2 Feed

Substances or products as well as additives which are processed, partially processed or unprocessed and intended for oral animal feed are defined as feed.

The Food and Feed Code (LFGB) includes regulations for feed which is placed on the market for both pets and farm animals, including via online trade. 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 2021, the focus in the area of monitoring online trade in feed was on suppliers of feed for all animal species which contain **certain feed additives which are no longer authorised**. In the focus search carried out for this purpose, 342 offers from 283 different suppliers based in Germany were identified who offer these feeds on websites, in online shops and on internet marketplaces. Some of the suppliers operate several online shops and/or are active on one or more marketplaces. The results of the search 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.

On the basis of section 38a LFGB, a total of 208 online feed traders could be forwarded to the local feed monitoring authorities in 2021. The feedback received showed that since 2013 an average of 20% of the online traders were unknown to the authorities and can therefore now be monitored by the official feed monitoring authorities.

2.3 Consumer Goods

Consumer goods are in particular items which are intended to come into contact with food, cosmetics or not only temporarily with humans. In addition to dishes, cutlery and cooking utensils, these also include toys, clothing, packaging for food and cosmetics, and cleaning agents for domestic use. Based on the reports in the European rapid alert systems RASFF and RAPEX, potentially risky online offers of consumer goods are searched, and a targeted check is carried out to determine whether the products concerned are offered on the Internet to consumers in Germany. During the reporting period, numerous online offers which posed a risk to health were identified and forwarded to the competent authorities.

In 2021, 45 product searches were carried out in the area of consumer goods, during which 249 offers of risky products were identified.

Among other things, offers of **leather products** such as gloves, dog leashes or baby crawling shoes were identified. The products were found to exceed the limit value for **chromium VI**. Compounds containing chromium VI can be formed during tanning processes. As contact allergens, they can lead to severe skin reactions.

Other products investigated included **toys** such as finger paints, in which **lead** was detected. Children have intensive contact with their toys with their hands and possibly with their mouths. Lead is a toxic heavy metal and accumulates in the human body³. Therefore, low limit values apply to the content in toys, which must be complied with. When identifying online offers, it was found that the finger paints concerned were no longer offered.

On the other hand, online offers of a **baby bottle** were identified following a warning due to the presence of **plasticisers**. The responsible authorities informed the suppliers about the non-conformity of the product, whereupon the affected offers were deleted.

³ Bundesinstitut für Risikobewertung, 2017: Fragen und Antworten zu Blei in Kinderspielzeug. <https://www.bfr.bund.de/cm/343/fragen-und-antworten-zu-blei-in-kinderspielzeug.pdf>

Within the scope of an EU-wide control action, offers of so-called "**bamboo ware**" such as bowls, plates or thermal mugs made of plastic with admixtures of bamboo flour/fibres were identified. The use of such bamboo fibres in combination with other materials such as melamine or plastic is not permitted in the production of kitchen utensils. The focus was more particularly on the **release of melamine and formaldehyde**, which can migrate into food. Formaldehyde can cause irritation of the gastrointestinal mucosa when ingested orally. The products can thus pose a risk to the health of consumers⁴.

2.4 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, cosmetic products such as make-up or nail varnish, products to influence body odour such as perfume and deodorant, as well as soap, toothpaste, skin creams, sunscreens, shaving foam or bath additives.

The term tattooing products refers to preparations containing dyes which are inserted into or under the human skin. According to section 26 LFGB, neither cosmetic products nor tattooing products may be manufactured or marketed if they are likely to be harmful to health. Further regulations on tattooing products are contained in the national Tattooing Products Ordinance, which specifies, among other things, the required labelling and the prohibition of certain substances.

In 2021, the Central Unit conducted 17 product searches on cosmetic products and tattooing products and identified 48 offers of risky products in this context.

Within the framework of the Annual Plan programmes, a focus search on the topic of **gel nail modelling** was conducted. Websites, online shops and internet marketplaces were searched for suppliers offering gel nail modelling kits or gels and light-curing devices **for private use**. Due to certain ingredients, these products are often only allowed to be offered for commercial use in cosmetic salons. However, a wide range of gel nail modelling sets from different brands for home use is available in online shops and can also be purchased by private individuals.

The search identified 79 companies based in Germany. The results formed the basis for the subsequent examinations for non-permissible substances in the products, which were commissioned by the responsible food monitoring offices in the official testing facilities.

In addition, the Central Unit was asked to conduct searches on suppliers of CBD isolates who offer them as raw materials for cosmetic products and sell them to consumers in Germany. The results were passed on to the federal states and contributed to a better assessment of the current market situation.

On the basis of section 38a LFGB, information on 500 online traders of cosmetic products could be forwarded to the authorities responsible for monitoring this year. The feedback received showed that since 2013 about 8 % of the online traders were unknown to the authorities and can now also be monitored.

2.5 Tobacco Products

To ensure that tobacco products and related products can be comprehensively controlled, there is a registration obligation for certain traders. Section 22 of the Tobacco Products Act requires that cross-border distance selling of tobacco products, electronic cigarettes or refill containers (e-liquids) to consumers must be registered

⁴ <https://www.bfr.bund.de/cm/343/gefaesse-aus-melamin-formaldehyd-harz.pdf>

with the competent supervisory authorities. The registration has to be made on the one hand with the competent authority in the EU member state in which the company is established, and on the other hand with the competent authorities of the EU member states in which the products are to be placed on the market.

In 2021, a focus search was conducted for online shops and suppliers on online marketplaces that offer snus or all types of **snus analogues**. Snus is a form of oral tobacco which is consumed by placing it under the upper lip.

The placing on the market of these products is prohibited in the EU (except in Sweden) according to Art. 1 c) of Directive 2014/40/EU. According to a ruling of the Administrative Court of Munich, all oral tobacco, with the exception of classic chewing tobacco, is to be classified as snus analogues and thus also banned throughout the EU (except Sweden). A total of 66 suppliers were identified in the search. In addition to a list of suppliers based in Germany, a list was also compiled of online retailers who offer the products in question to consumers in Germany but are not established in Germany. On the basis of a search result and the subsequent further processing by the competent supervisory authority, a public warning was issued on the portal www.lebensmittel-warnung.de.

A notification in the Rapid Alert System of the European Union required a search for a certain refill liquid for electronic cigarettes (e-liquid) because prescribed information and warning notices were not enclosed. However, no offers from online retailers for consumers in Germany were identified, so that no follow-up measures had to be initiated.

3 Miscellaneous

Within the framework of a federal state mandate, the Central Unit conducted a search on the topic of selling **plant components of the kratom tree**. In particular, the trade with the leaves was of interest. These are marketed in the form of powder, tablets, extracts or teas. The products are advertised on the internet as "dyes", "bath additives" or as "ethnobotanical illustrative material". However, in further descriptions, references to traditional uses can often be found, which mainly focus on the stimulating or opioid-like effect of kratom.

G@ZIELT was commissioned to conduct an internet search on the extent of the marketing of kratom. The results were to be used, among other things, to assess the market significance and the current risk posed by the marketing of such products.

As a special feature, this search included not only trade via online shops, online marketplaces and social media, but also distribution channels via messenger services and anonymous networks (darknet).

The search showed that the trade in kratom takes place primarily in online shops and to a lesser extent in online marketplaces. It can be assumed that the market volume is small, but steadily growing. No food claims were found on the websites of online shops based in Germany. There seems to be little trading activity on online marketplaces and in social media. One reason for this could be the self-monitoring of online marketplaces and social media.