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

Annual Report 2022



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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 of the federal states have been confronted with special challenges within the framework of their remit.

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 through certain preparatory activities.

On behalf of the federal states, 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 taking samples, instructing suppliers, imposing fines or ordering the removal of the offer from the website.

This Annual Report describes the activities of the Central Unit in 2022. 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.

Contents

- 1 Introduction and Executive Summary.....6
- 2 Results.....9
 - 2.1 Food.....9
 - 2.2 Feed 10
 - 2.3 Consumer goods..... 11
 - 2.4 Cosmetics and Tattooing Agents..... 12
 - 2.5 Tobacco Products 12

List of abbreviations

Abbreviation	Meaning
AFU	LAV Working Group Feed
ALB	LAV Working Group "Food, Consumer Goods, Wine and Cosmetics"
AVV Data	General Administrative Regulation on the exchange of data in the field of food safety and consumer protection
BVL	Federal Office of Consumer Protection and Food Safety
BZSt	Federal Central Tax Office
EU	European Union
G@ZIELT	Common Central Unit "Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet"
LAV	VSMK Federal State Working Group on Consumer Protection
LFGB	German Food, Consumer Product and Feed Code (German Food and Feed Code)
RAPEX	Rapid Exchange of Information System / European Rapid Alert System for Dangerous Products
RASFF	Rapid Alert System for Food & Feed / European Rapid Alert System for Food, Food Contact Materials and Feed
REACH	EU Chemicals Regulation (Regulation (EC) No 1907/2006); Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals)
VwV	Administrative Agreement regulating the operation of a Common Central Unit "Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet" (G@ZIELT)"
VSMK	Conference of Consumer Protection Ministers

1 Introduction and Executive Summary

The development of online retail in the reporting year

The sale of food and other daily consumer goods online is growing at an above-average rate. While there was a certain "catch-up effect" in almost all other retail sectors in 2022 and consumers tended to buy goods online more frequently again than in the COVID 19-ridden years of 2020 and 2021, the online share in the food sector continues to rise¹.

However, daily consumer goods are still generally preferred to be purchased offline: The share of online sales remains comparatively low at 12.1 % versus 41.3 % for stationary retail¹.

The remit of G@ZIELT

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, tattooing agents, consumer products and tobacco products. The aim is to enhance consumer protection in the area of online shopping and to contribute towards ensuring a comparable level of protection as in stationary trade.

Product search

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. For official food monitoring, the Central Unit checks whether the products concerned are also offered on the Internet for 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 registered office of the respective suppliers is located. However, if these are based abroad, the information is sent to the competent unit at BVL for forwarding to the countries concerned.

¹ HDE Online-Monitor 2023, Handelsverband Deutschland – HDE e. V: https://einzelhandel.de/attachments/article/2876/HDE_Online_Monitor_2023.pdf

The Central Unit also actively searches for offers of food or consumer products in individual subject areas that are still generally unknown to the food control authorities. In order to identify such offers, one or more federal states submit a search request to the Central Unit.



Annual Plan programmes

Besides these incident-related product searches, **coordinated control programmes** are 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 federal states and the Central Unit. The Central Unit then conducts a search on the selected priority topics and identifies corresponding online offers. Based on 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 documented by the supervisory authorities and whether the obligation to register or, if applicable, obtain a licence has been complied with.



Company searches

The Central Unit receives automatically determined information from the **Federal Central Tax Office (BZSt)** on online traders, which it processes for the competent supervisory authorities of the federal states and which it makes available to them based on Section 38a LFGB (so-called XPIDER data). The local supervisory authorities can include previously unrecorded internet traders 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 recorded by the competent supervisory authorities can be inspected in the same risk-oriented manner as those in the stationary trade.

Exchange, networks, information



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. The Central Unit regularly participates in the training and further education of prospective and current inspection personnel.



Further activities of the Central Unit include the elaboration of materials to provide information

- for consumers on safe online shopping
- for companies on their obligations and responsibilities in connection with the online sale of food, feed, consumer goods, cosmetics, tattooing agents and tobacco products.

These are available for download under www.bvl.bund.de/internethandel

2 Results

2.1 Food

In 2022, **79 product searches** were carried out in the "Food" category, which led to the identification of a total of **534 online offers** of potentially risky products.



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Special bread, baking and flour mixes

The Central Unit was commissioned by the federal states to search for special bread, baking or flour mixtures that are categorised with additional information such as "low(er) carb", "gluten-free", "ketogenic" or "paleo". The Central Unit forwarded the identified offers to the local competent authorities, who checked the correct claims of the products. Samples were also taken to check the veracity of the claims as well as the general requirements regarding flours.

Annual wormwood - remedy or food?

Annual wormwood, also known as *Artemisia annua*, originally comes from Asia. There it already has a historical significance as a medicinal herb in traditional Chinese medicine. Artemisinin, the essential ingredient, is still used in many countries around the world to treat malaria, even though the use of herbal artemisia preparations (e.g. in the form of teas) for the prevention or treatment of malaria is not recommended according to a WHO² statement.

During the COVID-19 pandemic, many herbal remedies were also investigated in studies in the search for an effective treatment option. The focus was particularly on anti-malarial agents - including extracts from *Artemisia annua*³.

The Central Unit was tasked with identifying suppliers who sell *Artemisia annua* online. Due to its high visibility in the context of research into SARS-CoV-2, it was assumed that the plant could possibly also be increasingly sold online as a foodstuff, e.g. dried and ground. All plant parts and their extracts fall under the EU Novel Food Regulation⁴ and are therefore subject to authorisation. Consequently, there is no authorisation for the use of artemisinin or plant parts of *Artemisia annua* in or as food.

The Central Unit found a total of 77 suppliers as part of the search assignment and forwarded the addresses to the competent authorities. It was noticeable that although the offers often referred to the lack of authorisation as food, the presentation of the products suggested that they were intended for use as food.

² <https://www.who.int/news/item/10-10-2019-the-use-of-non-pharmaceutical-forms-of-artemisia>

³ <https://www.mpg.de/14825271/artemisia-annua-artemisinin-coronavirus>

⁴ https://webgate.ec.europa.eu/fip/novel_food_catalogue

In 2019, the Central Unit already searched for online offers of annual wormwood in a similar assignment. At that time, less than half of the offers identified in the 2022 reporting year were found, although offers from abroad were also included in the search at the time.

2.2 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.

Feed for bees

As part of an Annual Plan programme, the Central Unit was to search for websites, online shops and providers on online marketplaces that offered feed for bees. In view of the fact that some offers had already been identified as having advertising claims and inadequate labelling during previous inspection activities by the federal states, further offers were to be searched in order to enable a closer examination of these aspects by the federal states.

The search focussed in particular on bee feed doughs and ready-made doughs to which vitamins, trace elements or the similar were added or which were advertised with disease-related claims. The search for the offers was planned for the period from spring to autumn 2022, when a higher demand and thus a wider supply was assumed due to seasonal factors.



© Fotolia, Aubord Dulac

As a result, the product information provided online for some of the offers searched was not very comprehensive and in some cases not available at all. Some of the websites offered unspecified bee feed, mostly based on wheat or sugar beet. These offers were often only available for collection or for filling in a bee feed filling station. However, feed for bees was also found that was advertised as having a high content of ingredients such as protein, certain vitamins or minerals, or that was occasionally advertised with a claim relating to disease or health.

2.3 Consumer goods

In 2022, the Central Unit carried out **23 product searches** on consumer goods and identified **187 online offers** with high-risk products.

Packaging "to go": Food contact materials made from paper

The ban on disposable plastic items is currently increasing the offer of disposable paper articles. To ensure that they can withstand contact with moist food, these items are usually wet-strengthened beforehand in the manufacturing process.



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As part of the Annual Plan programme, suppliers of food contact materials made of cardboard or paper based in Germany were searched. The results should enable samples to be taken for testing for the chloropropanols 3-MCPD and 1,3-DCP. These substances can arise in paper products if certain wet strength agents are used during production. These are considered to be potentially or probably carcinogenic to humans.⁵ The possible transfer of these substances to food during the subsequent use of these products should therefore be kept as low as technically possible.⁶

A nationwide coordinated study on this topic was last carried out as part of the 2020 Federal Monitoring Plan (BÜp). At that time, 14.8% and 6.6% of the samples analysed did not meet the requirements of the BfR recommendation for the release of 3-MCPD and 1,3-DCP, respectively. Results of the investigations from 2022, in which G@ZIELT also provided opportunities for sampling from online trading, suggest a declining proportion of guideline value violations. The regular testing programmes are therefore now clearly having an effective impact on consumer protection.

Metal and enamel kitchenware

In 2015, enamelled fillable articles for food contact made of metal were already tested for element release as part of the monitoring process. The respective assessment values or the specific release limits from the Council of Europe resolution on metals and alloys were exceeded in a large number of samples. Cobalt and lithium permeability in particular, but also the release of other elements, were assessed as too high in over 5 % of the samples⁷. A new investigation should therefore now take place in 2022 as part of the nationwide monitoring programme.

In order to be able to examine samples from the online trade as well as the stationary trade, G@ZIELT was commissioned in an Annual Plan programme to search suppliers of fillable and non-fillable consumer goods with food contact made of metal and enamel based in Germany.

⁵ Chemische und Veterinäruntersuchungsämter des Landes Nordrhein-Westfalen, Gemeinsamer Jahresbericht 2022. p. 74.

⁶ https://www.bvl.bund.de/SharedDocs/Fachmeldungen/01_lebensmittel/2021/2021_09_24_Chlorpropanol_LMK_Papier.html

⁷ BVL, Berichte zur Lebensmittelsicherheit 2015. https://www.bvl.bund.de/SharedDocs/Downloads/01_Lebensmittel/01_lm_mon_dokumente/01_Monitoring_Berichte/2015_lm_monitoring_bericht.pdf?__blob=publicationFile&v=7

Costume jewellery from the Internet

Already in 2019, the Central Unit carried out a priority programme on "Testing costume jewellery from online retailers for lead and cadmium". This programme resulted in numerous complaints in conjunction with official investigations. For example, lead and cadmium levels were found to be up to 9,200 times higher than the maximum permitted levels in each case.⁸

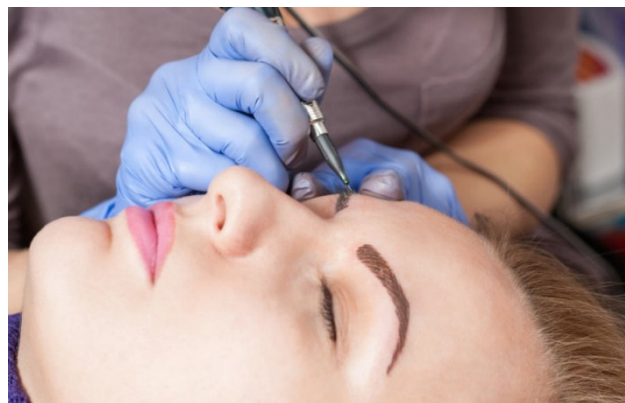
In 2022, a federal state therefore commissioned the Central Unit to carry out another online search for costume jewellery so that it could also be tested for the heavy metals lead and cadmium. The Central Unit's search provided the state with information on 123 online suppliers.

2.4 Cosmetics and Tattooing Agents

In 2022, the Central Unit conducted **21 product searches** on cosmetics and tattooing agents and identified **229 offers** with high-risk products in this context.

Elements in Tattooing Agents

For the monitoring, samples of tattoo inks and tattooing agents for permanent make-up were to be taken and analysed for the presence of chemical elements. The elements analysed included mercury, nickel, antimony, lead and cadmium. The Central Unit last searched this topic in 2014. Colourful tattoo inks in particular, but also black tattoo inks, are repeatedly conspicuous for their high levels of elements in the course of official controls. The searched results also included such obvious tattooing agents with an additional disclaimer stating that they do not comply with the current REACH Regulation and therefore may not be used as tattooing agents. However, such disclaimers do not generally constitute a legal release from the supplier's compliance obligations.



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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 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.

⁸ BVL, Common Central Unit "Control of Food, Feed, Cosmetics, Consumer Products and Tobacco Products traded on the Internet" Annual Report 2020.

No special projects in the area of tobacco products were carried out at G@ZIELT in 2022.