

Interested Parties

26 March 2008

Reference:

Dear Colleagues,

**UNAUTHORISED “Bt 63” GENETIC MODIFICATION IN RICE AND RICE PRODUCTS FROM CHINA**

**For information**

The attached letter has been issued to food and feed business operators. Annexed to that letter is a letter issued to enforcement authorities on 25 March and a copy of the draft Commission Decision.

Yours sincerely,

*[By E-mail]*

Dr Clair Baynton  
Head of Novel Foods, Additives and Supplements Division



Food Business Operators  
Feed Business Operators  
(See attached list at Annex 3)

26 March 2008

Reference:

Dear Colleagues,

**UNAUTHORISED “Bt 63” GENETIC MODIFICATION IN RICE AND RICE PRODUCTS FROM CHINA**

Further to the letter issued on 7 March this letter provides further advice to food and feed business operators in relation to rice and rice products contaminated with the unauthorised genetically modified organism “Bt 63”.

The Agency takes the view that the unauthorised GM material is ‘unsafe’ as defined in Article 14 of Regulation (EC)178/2002 and that food business operators should inform enforcement authorities if such rice has left their possession, initiate procedures under Article 19 of Regulation (EC) 178/2002 to withdraw it and to recall it if it has reached consumers. Enforcement authorities have powers to enforce these Articles under Regulation 6 of the General Food Regulations 2004. A copy of a letter sent to enforcement authorities on 25 March is attached at annex 1.

Enforcement authorities will be able to provide advice on the disposal of large quantities of rice and rice products containing ‘Bt63’ if this is required.

The Rice Products from China (Restriction on First Placing on the Market) (England) Regulations 2008 which will come into force on 15 April 2008 will implement the Commission Decision which specifies that, from 15 April, rice and rice products originating in or consigned from China and falling within the CN codes listed in the Commission Decision (Annex 2 of this letter), may only be first placed on the EU market if:

- a. they are accompanied by an original analytical report issued by an official or accredited laboratory which demonstrates that the product does not contain Bt63, OR
- b. Satisfactory results of analysis are received by the food authority at the point of entry to the Community, following sampling carried out by or under the supervision of that authority.

With respect to sampling, the Decision states that account should be taken of the Commission Recommendation 2004/787/EC on technical guidance for sampling and detection of genetically modified organisms and material produced from genetically modified organisms. The method used by analytical laboratories should be that of Made *et al* (2006). The publication reference for this method is Eur. Food Res. Technol, 224:271-278 (2006).

The Commission will reassess this Decision by 15 October 2008 at the latest. While food and feed business operators are required to inform enforcement authorities of rice and rice products contaminated with the unauthorised genetically modified organisms 'Bt63' it would be helpful if this information along with details of negative test results could also be provided to the Food Standards Agency. This will give an indication of the extent to which 'Bt63' is present in rice and rice products and will inform discussions between the Commission and member states when the Decision is reassessed. Information should be sent to Dr Trudy Netherwood, Novel Foods, Additives and Supplements Division, Food Standards Agency, Room 525, Aviation House, 125 Kingsway, London WC2B 6NH.

The Agency will issue a food alert requesting enforcement authorities to take action when practical arrangements for Public Analysts regarding testing are in place.

Yours sincerely,

*[By E-mail]*

Dr Clair Baynton  
Head of Novel Foods, Additives and Supplements Division

**Annex 1 - Letter sent to enforcement authorities on 25 March 2008:**

[Attached as separate document]

**Annex 2 - Draft Commission Decision that will come into force on 15 April 2008:**

[Attached as separate document]

**Annex 3 - List of Food and Feed Business Operators and Trade Associations:**

Soil Association  
British Retail Consortium  
Food and Drink Federation  
British Hospitality Association  
British Frozen Food Federation  
Chilled Food Association  
Association of Convenience Stores  
Grain and Feed Trade Association  
Agricultural Industries Confederation  
HM Prison Service  
Office of Government Commerce  
DCSF Educational Procurement Centre  
National Health Service Supply Chain  
Scottish Food and Drink Federation  
Scottish Grocers Association  
Scottish Wholesale Association  
SW Trading Ltd (See Woo)  
Wing Yip  
Hoo Hing  
Loon Fung  
Interlink Direct  
Tazaki Foods Ltd  
Brand Partnerships  
Hyperama PLC  
West Mill Foods  
WT Foods Group  
SOP International Ltd  
SPL Ltd