



Vicky Cann

By email: request-591463-5b23d7c7@whatdotheyknow.com

Our Reference: FOI 2464

Date: 20 August 2019

Dear Vicky,

FREEDOM OF INFORMATION REQUEST

Thank you for your email of 23 July to the Food Standards Agency (FSA) requesting information under the Freedom of Information Act 2000 ("the Act").

I am handling your request under the terms of the Act.

The information in response to your request has been provided in Annex A to this letter.

Please note some of the information related to your request is being withheld from disclosure under section 40 (personal information) of the Act. In the attached documents some exempt information has been redacted and marked with the number of the relevant section of the Act in square brackets.

Further details of the exemption have been provided in Annex B to this letter.

If you have any queries about this letter, please contact me on the details provided in the footer of this letter. Please remember to quote the reference number above in any future communications.

If you are not satisfied with the way the FSA has handled your request for information, you should write within two calendar months of the date of this letter to the FOI, Complaints and Transparency Team, and ask for an internal review. They will arrange for the Complaints Coordinator to conduct the review. Their address is Food Standards Agency, Floors 6 and 7 Clive House, 70 Petty France, Westminster, London SW1H 9EX (email: FCT@food.gov.uk).

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the FSA. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or through the website at: www.ico.gov.uk.

Yours sincerely

Nasreen Shah
Policy Adviser

Annex A

Request & response

(1) I would like to request a list of all lobby meetings held by the Food Standards Agency, since 17 April 2019, where the proposed ban on food additive E 171 by the French Government was discussed. The list should include the names of the individuals and organisations attending; the date; and any agendas / minutes / notes produced.

The following are the discussion emails and documents requested, the most recent first.¹ Document 1 and Document 2 are provided in their final form, though reference is made during their development to earlier versions that no longer exist. There were no minutes or notes produced for the meeting mentioned in the email(s); an agenda is however included.

Separate links to pertinent documents are provided where not given in the original text.

Organisations are identified as follows:

- [Section 40] - FSA – Food Standards Agency
- [Section 40] - FDF – Food and Drink Federation
- [Section 40] - Colorcon Limited
- [Section 40] - Council for Responsible Nutrition UK

From: [Section 40]
Sent: 10 May 2019 19:10
To: [Section 40]
Cc: Adam Hardgrave <Adam.Hardgrave@food.gov.uk>; [Section 40]
Subject: Re: Meeting on Wednesday 15th May

Hi [Section 40],

As a rough agenda, it would be helpful to cover:

1. The situation with titanium dioxide in France.
2. The outstanding additive issues relating to food supplements, dating from 2011:
 - Chewable tablets
 - Syrup supplements and the use of preservatives
 - Supplements for infants and young children
3. Food additives in meal replacements for weight control intended to replace one or two meals a day
4. AOB

Have a good weekend!
best regards
[Section 40]

Council for Responsible Nutrition UK

www.crnuk.org

M: [Section 40]



*Trusted science-based expertise
Leading the food supplement and functional food industry*

From: [Section 40]
Sent: 10 May 2019 12:16
To: [Section 40]; Adam Hardgrave <Adam.Hardgrave@food.gov.uk>
Cc: [Section 40]
Subject: RE: Meeting on Wednesday 15th May

Hi [Section 40],

It would be helpful if you would send through a rough agenda covering the issues you would like to discuss.

Thank you.

Kind Regards,

[Section 40]
Food Additives, Flavourings and Contact Materials Branch
Food Standards Agency
6th Floor, Clive House, 70 Petty France, London, SW1H 9EX

www.food.gov.uk

Phone [Section 40]

[food.gov.uk](http://www.food.gov.uk) | [Like us on Facebook](#) | [Follow us on Twitter @foodgov](#) [Our YouTube channel](#)

From: [Section 40]

Sent: 10 May 2019 09:48

To: Adam Hardgrave <Adam.Hardgrave@food.gov.uk>

Cc: [Section 40]

Subject: Re: Meeting on Wednesday 15th May

Hi Adam,

Thank you, I will do that.

Have a good weekend!
best regards

[Section 40]

Council for Responsible Nutrition UK

www.crnuk.org

[Section 40]

<image005.jpg>

Trusted science-based expertise

Leading the food supplement and functional food industry

From: Adam Hardgrave

Sent: 10 May 2019 09:37

To: [Section 40]

Cc: [Section 40]

Subject: RE: Meeting on Wednesday 15th May

Hi [Section 40]

Thanks for that, yes it will be myself and then either [Section 40] or [Section 40], I will be able to confirm next week. I'm sure it would be OK to give all 3 names to the club and then we can confirm.

Hope that is OK

Thanks
Adam

From: [Section 40]

Sent: 09 May 2019 15:37

To: Adam Hardgrave <Adam.Hardgrave@food.gov.uk>

Cc: [Section 40]

Subject: Meeting on Wednesday 15th May

Hi Adam,

I have booked a room from 11.30am to 1pm at the RAF Club, 128 Piccadilly, London W1J 7PY for our meeting next week. The nearest tube station is Green Park.

Please would you advise the names of any colleagues who may be coming with you, as I have to provide all names to the Club? The room seats four people.

I look forward to seeing you next week,
best regards

[Section 40]

Council for Responsible Nutrition UK

www.crnuk.org

M: [Section 40]

On 7 May 2019, at 11:22, Adam Hardgrave <Adam.Hardgrave@food.gov.uk> wrote:

Hi [Section 40]

Yes, happy to come and meet with you, the only date we can really do of those listed would be the 15th between 11:30 and 1pm.

Is it possible for us to come over to you, I believe you are in Pall Mall, the reason I ask is that I have been unable to find a room that day within our offices. If not please feel free to propose some dates in June and I'll get back to you with our availability.

Let me know

Thanks
Adam

Adam Hardgrave
Head of Food Additives, Flavourings and Contact Materials Branch
Food Policy
Food Standards Agency
Floors 6 and 7
Clive House,
70 Petty France
London SW1H 9EX

Tel: 020 7276 8957
Mob: 07721238153

From: [Section 40]

Sent: 02 May 2019 19:27

To: Adam Hardgrave <Adam.Hardgrave@food.gov.uk>

Cc: [Section 40]

Subject: Possible meeting?

Dear Adam,

Mark Willis advised that you are now leading the food additives team. As you may already know, I am Technical Adviser to the Council for Responsible Nutrition UK (CRN UK), the trade association for food supplements and functional foods.

We have not had any contact with your team since Carles Orri left, and I wondered whether it would be possible to meet with you sometime in the near future, in order to have an informal discussion about some of the food additive issues that are of interest to our members?

Dates and time periods when I would be free to meet this month are as follows:

Wednesday 8th May between 10am and 12.30pm

Wednesday 15th May between 11.30am and 3pm

Tuesday 21st May after 3.30pm

Thursday 23rd May between 11.30am and 1.30pm

Is there a date and time slot in any of the above when you / your colleagues would be free to meet with me?

best regards

[Section 40]

Council for Responsible Nutrition UK

www.crnuk.org

M: [Section 40]

<image001.jpg>

Trusted science-based expertise

Leading the food supplement and functional food industry

From: [Section 40]

Sent: 29 April 2019 11:12

To: [Section 40]

Subject: RE: FAIA member information: Nanotechnologies - France notification of a ban on E 171 (FIA 70 19)

Hi [Section 40],

I had understood that the ban would be limited to products produced in FR based on discussions I had with my French counterpart whilst at Codex. However, unfortunately it does seem that they have gone ahead on the basis of a whole sale ban for a period of one year. You will wish to note that the UK plans to oppose the FR decree when it is discussed at the upcoming Standing Committee meeting on 13 May 2019.

Kind Regards,

[Section 40]

Food Additives, Flavourings and Contact Materials Branch

Food Policy

Phone [Section 40]

From: [Section 40]
Sent: 29 April 2019 11:03
To: [Section 40]
Subject: FW: FAIA member information: Nanotechnologies - France notification of a ban on E 171 (FIA 70 19)

Hi [Section 40]

I was at the FAIA meeting on Thursday – many thanks for the information, it was really interesting! I just wanted to follow-up with you on one point... I was really interested to find out from you that the 'ban' on titanium dioxide is only for foods *that are manufactured in France*, and does not affect foods (containing titanium dioxide) *that are imported*.

Could you just let me know where this is specifically stated, as I have re-read the translation of the French Decree, and as far as I am aware, this point is not made clear in this document, so I am guessing that there has been a subsequent document/interpretation that I am not aware of?

Many thanks for following up on this!

Kind Regards

[Section 40]
Office: [Section 40]
Colorcon Limited, Flagship House, Victory Way, Crossways, Dartford, Kent, DA2 6QD, UK



From: [Section 40]
Sent: 13 May 2019 14:06
To: Adam Hardgrave <Adam.Hardgrave@food.gov.uk>
Cc: [Section 40]
Subject: RE: France ban on TiO2 - Points for advocacy

Hi Adam

Many thanks for sharing this. Keep me updated on the outcome of the Standing Committee discussions taking place today.

Regards

[Section 40]
Food and Drink Federation
6th Floor | 10 Bloomsbury Way | London | WC1A 2SL
T: [Section 40]

fdf | passionate about food and drink
www.fdf.org.uk

FDF Convention 2019
14 May 2019, The National Gallery, London. [For more information and bookings](#)

Half Price Fridays!
Book your event or meeting at FDF's London office on a Friday and get 50% off. [For more information](#)

From: Adam Hardgrave [<mailto:Adam.Hardgrave@food.gov.uk>]
Sent: 13 May 2019 13:51
To: [Section 40]
Cc: [Section 40]
Subject: RE: France ban on TiO2 - Points for advocacy

Hi [Section 40]

Further to my email last week, just wanted to let you know that EFSA have now issued a statement on the review of the risks related to the exposure to the food additive titanium dioxide (E 171) performed by the French Agency for Food, Environmental and Occupational Health and Safety (ANSES).

This can be found at the following link.

<http://www.efsa.europa.eu/en/efsajournal/pub/5714>

Thanks
Adam

From: [Section 40]
Sent: 10 May 2019 10:27
To: Adam Hardgrave <Adam.Hardgrave@food.gov.uk>
Cc: [Section 40]
Subject: RE: France ban on TiO2 - Points for advocacy

Hi Adam

Many thanks for the feedback. That's helpful.

Regards

[Section 40]

Food and Drink Federation

6th Floor | 10 Bloomsbury Way | London | WC1A 2SL

T: [Section 40]

fdf | passionate about food and drink

www.fdf.org.uk

FDF Convention 2019

14 May 2019, The National Gallery, London. [For more information and bookings](#)

Half Price Fridays!

Book your event or meeting at FDF's London office on a Friday and get 50% off. [For more information](#)

From: Adam Hardgrave
Sent: 10 May 2019 09:56
To: [Section 40]
Cc: [Section 40]
Subject: RE: France ban on TiO2 - Points for advocacy

Hi [Section 40]

I promised to send you an update on the French ban of Titanium Dioxide.

The French decree was discussed at FAWG on Friday 3rd May and there was disappointment at the unilateral action taken by France.

There was concern that the decree would be renewable and this would impact all food products traded with France, and could affect industry in all MS. France confirmed that the decree would be renewable.

The Commission confirmed it had sent the Anses review that the French Authorities based this action on (i.e., banning titanium dioxide), to EFSA; a statement from EFSA is expected on 10th May.

I will of course keep you updated as this progresses.

Thanks
Adam

From: Adam Hardgrave
Sent: 07 May 2019 10:42
To: [Section 40]
Subject: RE: France ban on TiO2 - Points for advocacy

Hi [Section 40]

I haven't had a chance to catch up with [Section 40] who attended the working group on Friday, as soon as I have I will send you an update, unfortunately she isn't in today, so will be later in week.

Thanks
Adam

From: [Section 40]
Sent: 07 May 2019 09:38
To: Adam Hardgrave <Adam.Hardgrave@food.gov.uk>
Cc: [Section 40]
Subject: RE: France ban on TiO2 - Points for advocacy

Hi Adam

I hope you had a good weekend. I would be grateful for a quick update on how the discussions went on Friday in light of civil society organisations writing to the European Commission regarding the French Decree.

<https://www.foodnavigator.com/Article/2019/05/06/European-Commission-urged-to-ban-food-additive-E171-Prevention-is-better-than-cure>

Regards

[Section 40]
Food and Drink Federation
6th Floor | 10 Bloomsbury Way | London | WC1A 2SL
T: [Section 40]

fdf | passionate about food and drink

www.fdf.org.uk

FDF Convention 2019

14 May 2019, The National Gallery, London. [For more information and bookings](#)

Half Price Fridays!

Book your event or meeting at FDF's London office on a Friday and get 50% off. [For more information](#)

From: Adam Hardgrave [<mailto:Adam.Hardgrave@food.gov.uk>]

Sent: 29 April 2019 12:40

To: [Section 40]

Cc: [Section 40]

Subject: RE: France ban on TiO₂ - Points for advocacy

Hi [Section 40]

Thank you for your email regarding the French 'Ban' on Titanium Dioxide (E171), the UK does not agree with the French Decree and we intend to raise concerns / talk to the other Member States at the next meeting of the Working Group on Governmental Experts on Food Additives, which will be held on 3rd May 2019.

We will of course feed-back on any developments following this meeting.

Thanks

Adam

Adam Hardgrave

Head of Food Additives, Flavourings and Contact Materials Branch

Food Policy

Food Standards Agency

Floors 6 and 7

Clive House,

70 Petty France

London SW1H 9EX

Tel: 020 7276 8957

Mob: 07721238153

From: [Section 40]

Sent: 29 April 2019 09:19

To: Adam Hardgrave <Adam.Hardgrave@food.gov.uk>

Cc: [Section 40]

Subject: France ban on TiO₂ - Points for advocacy

Dear Adam,

As you may be aware, on Friday France officially notified the Commission about the French Order on the suspension of the food additive titanium dioxide (E171). Based on our information, this issue will be brought to the Standing Committee on 13 May.

In preparation of this meeting, FDE and its members agreed on some points below to be used for advocacy at national level, to encourage national authorities to contest the French measure at the Standing Committee. I would also be grateful if you can let me know the position of the UK on this issue.

Advocacy points

On 26 April 2019, France notified the European Commission and the Member States of its intention to adopt a national ban on the placing on the market of all foodstuffs containing the permitted food additive titanium dioxide (TiO₂), (E171) as of 1 January 2020 and for one year.

The French authorities took this decision on the basis of an inconclusive opinion from their Agency ANSES, who reviewed the conclusions of a number of studies published since 2017 on the safety of titanium dioxide in food. This decision seems to ignore the Scientific Opinion of the European Food Safety Authority (EFSA) on the safety of titanium dioxide in food, which resulted from the latest re-evaluation in 2016, and where EFSA concluded that "the use of titanium dioxide as a food additive did not raise a genotoxic concern".

EFSA also evaluated the initial (2017) study on which the precautionary measure of the French administration is based on, together with four other studies published after the 2016 re-evaluation by EFSA, and concluded that the "outcome of the four studies did not merit re-opening the existing opinion of EFSA related to the safety of TiO₂ (E 171) as a food additive," (4 July 2018),

In its opinion, EFSA recommended gathering additional scientific and technical data for addressing the issues identified by the Panel, linked to the specifications for TiO₂ and the establishment of an ADI. This data collection is still ongoing and therefore the follow up by DG Santé in terms of risk management is expected to be concluded later this year.

As the use of additives in foodstuffs is subject to harmonised EU legislation, it is our opinion that any potential modification of the authorisation of the use of titanium dioxide in food in the EU should be based on the conclusions drawn on the basis of the analysis of the above mentioned data, once published by EFSA. Subsequently, any risk management measures should be based on the outcome of EFSA's risk assessment.

Consequently, there is no legal basis for France to unilaterally suspend the use of this additive, which would set an important precedent undermining the fundamentals of EU harmonised law and the Internal Market.

FDF is therefore asking the UK to contest this measure based on the aforementioned justification.

Regards

[Section 40]

Food and Drink Federation

6th Floor | 10 Bloomsbury Way | London | WC1A 2SL

T: [Section 40]

fdf | passionate about food and drink

www.fdf.org.uk

FDF Convention 2019

14 May 2019, The National Gallery, London. [For more information and bookings](#)

Half Price Fridays!

Book your event or meeting at FDF's London office on a Friday and get 50% off. [For more information](#)

(2) I would additionally like to receive any third-party position papers, emails, or other correspondence which relates to discussions around the French Government's ban on E 171. This request should also cover any lobbying around meetings of the EU's Standing Committee on Plants, Animals, Food and Feed (PAFF Committee)

Other than the information already provided in (1) above, there has been no further discussions / lobbying or correspondence on this issue. The French Government's proposed ban of E 171 was discussed at the PAFF Committee - Section: "Novel Food and Toxicological safety of the food chain" meeting on 13 May 2019; the agenda for the meeting and summary report of that discussion are available at the link below:

https://ec.europa.eu/transparency/regcomitology/index.cfm?do=search.documentdetail&DosID=17672&DS_ID=62395&Version=1

Following the publication of the French Agency for Food, Environmental and Occupational Health and Safety opinion (ANSES) of the risks related to the exposure to titanium dioxide, the European Food Safety Authority (EFSA) published a report in May 2019. The report concluded that the latest ANSES opinion published in April 2019, does not identify any major findings that would overrule the conclusions made in the two previous scientific opinions on the safety of E 171 as a food additive (issued by the EFSA Panel in 2016 and 2018). Furthermore, EFSA was already looking at the uncertainties and data gaps identified in the ANSES opinion and will consider the other recommendations, once the ongoing work on E 171 has been completed.

The complete EFSA publication is available at the link below:

<https://www.efsa.europa.eu/en/efsajournal/pub/5714>

(3) Additionally, I would like to request all the advice provided to the Government or its agencies on the food additive E 171. I would additionally like to receive all minutes of any discussions about E 171

No advice has been provided to the government or its agencies on E 171. Other than information provided in (1), we do not hold any minutes or notes of any discussions about E 171.