

Declaration of Conformity: More Than Just a “Package Slip”

Report from a day in the lab

A declaration of conformity (DoC) is an important document that must accompany many food contact materials. Unfortunately, however, this declaration was missing from 90 % of our 402 tested samples – that is the sobering record at CVUA Stuttgart. Without this „package slip“, however, food contact materials may not be marketed.

Info Box

What is a declaration of conformity?



A declaration of conformity confirms that the particular object was manufactured in accordance with current regulations and may, therefore, come into contact with foods. It also ensures that consumer safety information/instructions (e.g. „Do not use in temperatures over 40 °C“) is conveyed to those in the chain of manufacturers.

How long has this regulation been in existence?

This rule came into effect in 2004 under EU Regulation Nr. 1935/2004, which stipulates that some food contact materials must contain a declaration of conformity. Cases not covered by the regulation are determined individually.

Which articles must have a declaration of conformity?

A declaration of conformity is mandatory for food contact materials made of plastic, recycled plastic, epoxy derivatives (used in the inner layers of cans), ceramic and cellophane. For all other materials

(e.g. paper sacks for baked goods, metal soup ladles, and silicone ice cube trays) no DoC is required.

Why a declaration of conformity?

Plastic has become one of the most important contact materials for foods. The manufacturing of plastic requires a wide variety of additives, which protect the plastic from, for example, light and oxygen. When these substances come in contact with food, they can also make their way into the food. It is absolutely essential, therefore, that information regarding potentially problematic substances be communicated with everyone from the manufacturer of the plastic granules to the distributor of the material to the users of the packaging. It is thus necessary for food contact materials made of plastic to be accompanied by a declaration of conformity. This ensures that, via the supply chain, information can be forwarded and heeded regarding substances which, due to toxicological concerns, are liable to usage limitations (e.g. softeners). The same goes for “dual-use” substances that can be used both in food contact materials and in food itself (e.g. antioxidants such as butylhydroxytoluene) and for usage instructions such as, „Do not use in temperatures over 40 °C“.

In this way unwanted transfer of substances from packaging into food can be prevented and the safety of the packaging and, thereby, the consumer can be safeguarded. Moreover, the DoC provides necessary information for the official controllers who, based on the commodities stated on the DoC, may need to follow up on potential risks to the consumer.

As of May 2008 food contact materials made of plastic, such as drink bottles, must display a declaration of conformity. Without a completed process of ensuring conformity with current regulations spatulas and other such kitchen utensils made of plastic may not be sold.

Disclaimer – Responsibility discretely delegated

So-called disclaimers are often given in the case of lid gaskets, such as: “The food packaging company is responsible for the con-

formity of the lid gasket.” That means the packer (in this case the bottler) must now verify whether the transfer of softeners into the food is within the legally accepted amount. The disclaimer of the lid gasket manufacturer is usually not read by the bottling company, however, in which case the responsibility is not met.

This type of disclaimer is not legally valid because the manufacturer himself is responsible for testing the quality of his products. If the product is not suitable for some purposes (e.g. specific temperatures or types of food), the manufacturer must provide this information in his DoC.

Analyses:

In 2013, in addition to analyzing the substances contained in 402 samples of food contact material made of plastic and ceramic, they were also checked for their DoC. Only 35 of the samples had a declaration that was in accordance with the legal requirements. In 194 samples the information provided was deficient, and the remaining 173 samples contained no declaration at all. Thus, approximately **90 %** of the analyzed food contact material samples were judged to be in violation, on the basis of either a deficient or non-existent DoC.

While in the first few years after 2008 about 85 % of samples contained no declarations at all, the improved percentage of about 40 % in the following years (2011-2013) has remained fairly constant (see the following illustration).

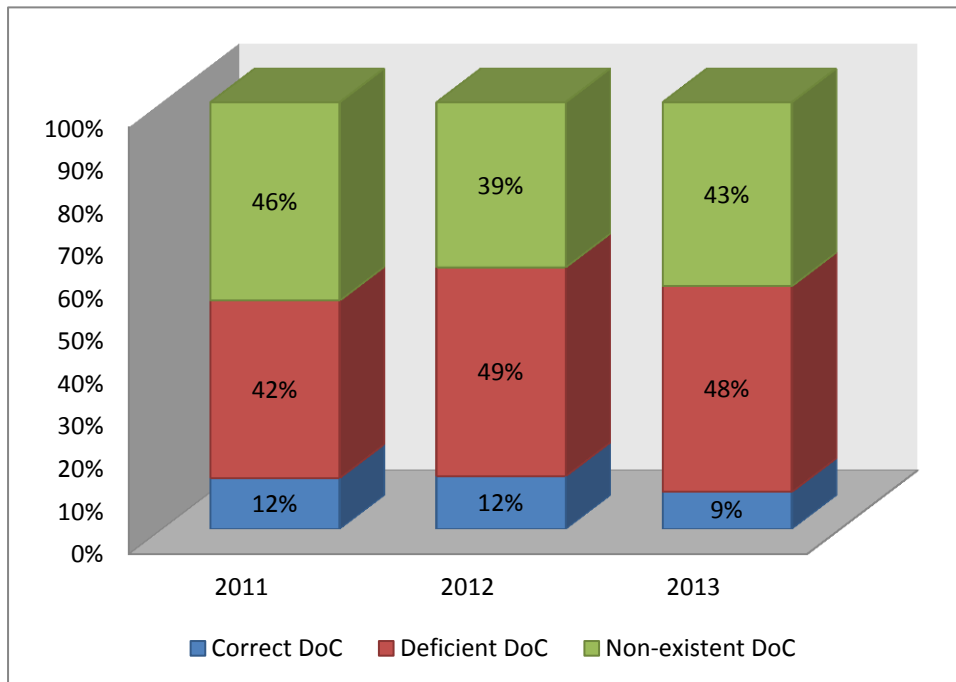


Illustration: Analytical Results From 2011-2013

See also:

http://www.ua-bw.de/pub/beitrag.asp?subid=1&Thema_ID=3&ID=1291&Pdf=No

(Prescribed documents (DoC) for food contact materials made of plastic are only sporadically available (German))

Conclusion

Ultimately, the DoC is there to ensure that all necessary controls (e.g. compliance with limit values for problematic substances) are, in fact, carried out. The DoC is therefore much more than simply a piece of paper.

For many in the industry, however, the presentation of a detailed DoC is seen as inconvenient and unnecessary. The purpose of the declaration of conformity doesn't seem to be understood by many manufacturers.

The situation is not satisfactory from the perspective of the controllers. In order to change the sobering situation, the work on conformity that is the basis for the DoC is increasingly being monitored. Regulation (EU) Nr. 2023/2006 (GMP-regulation) provides the official controllers with an effective means of checking the work on conformity, via accompanying documents of proof.

Info Box

What does Regulation (EU) Nr. 2023/2006 stipulate?

This regulation establishes the validity of the rules of the Good Manufacturing Practice (GMP) for materials and objects intended to come (or already are) in contact with food. The manufacturing process is therewith subject to quality management and documentation. This „Supporting Documentation“ elucidates which materials were used in the manufacturing, which commodities were added, and how the safety of plastic food contact materials is guaranteed for consumers. Everyone involved in the manufacturing process is thereby responsible for ensuring that none of the food contact materials are transferred to food in amounts that are harmful, that no unreasonable changes to the composition of the food result, and that no damage to the organoleptic characteristics of the food occurs.

The current sobering situation regarding missing or deficient DoCs can only be improved with effortful monitoring of the work on conformity.

Author: Magdalena Lubecki

Translated by: Catherine Leiblein