



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMISSION STAFF WORKING DOCUMENT**

**concerning the ban on the use of water retention agents in poultrymeat**

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#### I INTRODUCTION

In 2001 and 2002, the Irish and United Kingdom food safety authorities, in the course of their inspections of fresh poultrymeat (primarily, products marketed as “chicken fillets” intended for the catering industry), detected the presence of water and of water retention agents in the meat. In some cases the added water constituted more than 40% of the end product.

Further checks by the Irish and United Kingdom authorities in 2003 revealed that these practices were still going on. The water retention agents used included hydrolysed proteins from pigs, poultry or cattle, caseins (milk proteins), plant proteins, salt, etc. These water retention agents and the added water had been introduced into the meat by various techniques, including injection and tumbling.

The Irish and United Kingdom authorities also noted various breaches of food labelling legislation<sup>1</sup>, including products being sold under an incorrect name, the percentage of meat being overstated, and statements indicating that products labelled “poultry” had no added ingredients while they in fact contained pig protein.

Moreover, the presence in these products of proteins other than poultry proteins, i.e. from other types of meat, from milk or from plant products, and the absence of any mention of this on the labelling, is a fraudulent practice which, in addition to deceiving the consumer, could also be a health hazard, particularly for people who have allergies.

There are also ethical issues which should not be overlooked.

The Commission is publishing this working paper in order to clarify and draw attention to the Community legislation in force regarding the use of water retention agents in poultrymeat.

The fact is that this practice of adding water and water retention agents to poultrymeat is fraudulent on several levels.

In particular :

- it contravenes the provisions of Article 5 of Directive 71/118/EEC<sup>2</sup> on health problems affecting trade in fresh poultrymeat, which prohibits the addition of water to poultrymeat at any stage of the food chain;

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<sup>1</sup> Directive 2000/13/EC, OJEC No L 109 of 06/05/2000, on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as last amended by Directive 2003/89/EC, OJEC No L308 of 25/11/2003

<sup>2</sup> OJEC No L055 of 08/03/1971, as last amended by Council Regulation (EC) 807/2003 of 14/04/2003, OJEC No L122 of 16/05/2003

- it enables the weight of the end product to be artificially increased through the addition of water and water retention agents and thus misleads the consumer since it results in products being put on the market with the appearance of fresh meat (see Annex), in contravention of Directives 77/99/EEC<sup>3</sup> and 94/65/EEC<sup>4</sup> relating, respectively, to meat products and meat preparations.
- it involves the placing on the market of products which breach the food labelling legislation.

## II THE COMMISSION’S POSITION

In view of the persistence of these practices, the Commission considers it necessary to draw attention to the relevant provisions of the legislation in force.

### 1. DIRECTIVE 71/118/EEC ON HEALTH PROBLEMS AFFECTING TRADE IN FRESH POULTRYMEAT

#### 1.1 Prohibition on the use of water retention agents in poultrymeat

Council Directive 71/118/EEC, as amended in particular by Directive 92/116/EEC, states in Article 5(1)(b) that “poultrymeat cannot be placed on the market for the purposes of human consumption where (...) it shows traces of residues (...), on the understanding that agents used specifically to promote water retention are prohibited (...)”.

The Commission services take the view that this prohibition, intended to prevent practices that are not only fraudulent but are also potentially dangerous to health, applies to all fresh poultrymeat (chilled or frozen) placed on the market in its natural state or used as raw materials for the production of meat preparations and meat-based products.

Thus, the following are prohibited:

- a) the practice of injection, tumbling or any other technique for distributing water within the meat mass with the aid of water retention agents, for edible and non-processed poultrymeat covered by Directive 71/118/EEC.
- b) poultrymeat preparations and poultrymeat products obtained from meat thus treated<sup>5</sup>.

However, the use of water retention agents is permitted in the production of poultrymeat products and preparations provided that the codes of good practice approved by the competent authorities of the Member States and communicated to the Commission are observed. The

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<sup>3</sup> OJEC No L26 of 31/01/1977, as last amended by Council Regulation (EC) 807/2003 of 14/04/2003, OJEC No L122 of 16/05/2003

<sup>4</sup> OJEC L 368 of 31/12/1994, as last amended by Council Regulation (EC) 806/2003 of 14/04/2003

<sup>5</sup> Articles 3 and 5 of Directive 94/65/EEC, laying down the requirements for the production and placing on the market of minced meat and meat preparations, and Article 3(2) and (3) and Annex B Chapter III to Directive 77/99/EEC, on health problems affecting the production and marketing of meat products and certain other products of animal origin. These provisions require that preparations and products be prepared from “fresh meat”, which refers back directly to the definitions of unprocessed meat (“meat” and “fresh meat”), given by Article 2, points 1 and 2 of Directive 71/118/EEC, in the case of Directive 94/65, and indirectly, via its Article 2(d), in the case of Directive 77/99.

treatments authorised by Directives 94/65/EEC<sup>6</sup> and 77/99/EEC<sup>7</sup> in the production of, respectively, meat preparations and meat products cannot have the effect of contradicting the prohibition imposed by Directive 71/118/EEC regarding the introduction into meat of agents used directly to promote water retention, but they must also be practiced in total transparency, with due regard to the rules applicable to consumer protection.

Finally, the Commission services would also point out that any ingredient used in meat preparations and products must be mentioned in the list of ingredients, under the rules laid down in Article 6 of the aforementioned Directive 2000/13/EC, including retention agents used lawfully. In particular, the presence of proteins and the species of animal or plant they are from must be indicated on the labelling of the product/preparation. Moreover, pursuant to Articles 2 and 5 of the same Directive, the name under which a foodstuff is sold must not be such as could mislead the consumer as to the characteristics of the product and, in particular, as to its nature or composition.

Finally, it should be pointed out that the competent authorities of the Member States are obliged, under Directives 94/65/EEC<sup>8</sup> and 77/99/EEC<sup>9</sup>, to ensure that the production conditions for meat preparations and meat products respectively are consistent with the requirements and do not have the effect of allowing consumers to be misled.

## **1.2 Commission Regulation (EEC) No 1538/91<sup>10</sup> introducing detailed rules for implementing Council Regulation (EEC) No 1906/90<sup>11</sup> on certain marketing standards for poultry.**

Although this working paper is not concerned with the marketing standards for poultrymeat established by the above Regulations, the Commission would nevertheless point out that the water contents authorised under these Regulations are based on the following principles:

- Article 9 of Regulation 1538/91 lists methods for chilling poultry carcasses: air chilling, air spray chilling, which uses air and water, or immersion chilling.
- The Regulation establishes maximum extraneous water contents depending on the chilling method used and the measuring method (between 2% and 6% for cuts, according to Annex VIa, point 6.4, of Regulation 1538/91, and between 1.5% and 7% for whole carcasses, according to Annexes V and VI of Regulation 1538/91).
- If checks carried out by the competent authorities show that these limits are exceeded, the products may not be placed on the market unless the label indicates “water content exceeds EC limits”. In any event, the Regulation states that extraneous water must be “technically unavoidable”.

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<sup>6</sup> Article 1(1), Article 2(2) (b), (c) and (d), Article 5

<sup>7</sup> Article 1(1), Article 2 (f) et seq and Article 4(1)(a)

<sup>8</sup> Article 7 and Annex I, Chapter V

<sup>9</sup> Article 13(1), 4th paragraph and Annex B, Chapter IV, paragraph 1, point (d)

<sup>10</sup> OJEC L 143 of 07/06/1991, as last amended by Commission Regulation (EC) 1321/2002 of 22/07/2002

<sup>11</sup> OJEC L 173 of 06/07/1990, as last amended by Council Regulation (EC) 1101/98 of 25/05/1998

## **2. THE CHECKS REQUESTED BY THE COMMISSION SERVICES**

The Commission notes that the ban on the use of water retention agents for the purpose of adding water to poultrymeat is apparently not being fully respected by all operators concerned.

It therefore calls on Member States to step up their checks relating to these practices so as to ensure effective compliance with this ban in respect of all fresh poultrymeat, including poultrymeat intended for the production of preparations or processed products.

The Commission has also asked the Food and Veterinary Office of the Directorate-General for Health and Consumer Protection to carry out inspections in the Member States in 2004 in order to investigate this banned practice.

Following these checks, a report containing appropriate proposals will be presented in 2005.

## ANNEX

### 1- Fresh meat

Article 2 of Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat defines fresh meat as: “poultrymeat [parts fit for human consumption], including meat which is vacuum-wrapped or wrapped in a controlled atmosphere, which has not undergone any preserving process other than chilling or freezing”.

### 2- Meat preparations

Directive 94/65/EC, laying down the requirements for the production and placing on the market of minced meat and meat preparations defines meat preparations in Article 2 as “meat within the meaning of Article 2 [of Directive] 71/118/EEC which has had foodstuffs, seasonings or additives added to it or which has undergone a treatment insufficient to modify the internal cellular structure of the meat and thus to cause the characteristics of the fresh meat to disappear”.

### 3- Meat products

Directive 77/99/EEC, on health problems affecting the production and placing on the market of meat products and certain other animal products defines meat products in Articles 2 and 4 as “products prepared from or with meat which has undergone treatment so that the cut surface shows that the product no longer has the characteristics of fresh meat. (...). Meat products [are] prepared by heating, curing, marinating or drying, which processes may be combined with smoking or maturing (...) associated with certain curing agents. The meat products may also be associated with other foodstuffs and condiments.”